

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) No. 05-60008-2-HO  
PIROUZ SEDAGHATY, et al., )  
Defendants. )

PARTIAL TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE MICHAEL R. HOGAN,  
UNITED STATES DISTRICT COURT JUDGE, AND A JURY  
DAY 2, P.M. SESSION - PAGES 123 - 298

- :-

Deborah M. Bonds, CSR-RPR

Court Reporter

541/485-0111

## APPEARANCES OF COUNSEL

FOR THE PLAINTIFF: CHRISTOPHER L. CARDANI  
United States Attorney's Office  
405 E. 8th Avenue, Suite 2400  
Eugene, OR 97401  
541/465-6771  
Chris.cardani@usdoj.gov

CHARLES F. GORDER, JR.  
United States Attorney's Office  
1000 S.W. Third Avenue, Suite 600  
Portland, OR 97204-2902  
503/727-1021

FOR THE DEFENDANT: LAWRENCE H. MATASAR  
Lawrence Matasar, P.C.  
621 S.W. Morrison Street  
Suite 1025  
Portland, OR 97205  
503/222-9830  
Larry@pdxlaw.com

STEVEN T. WAX  
BERNARD CASEY  
MICHELLE SWEET  
Federal Public Defender  
101 S.W. Main Street, Suite 1700  
Portland, OR 97204  
503/326-2123  
Steve\_wax@fd.org

Also Present: Agent Anderson  
Agent Carroll  
Pirouz Sedaghaty

## INDEX

WITNESS.....PAGE

EVAN KOHLMANN

DIRECT EXAMINATION (Cont'd) BY MR. GORDER 126

CROSS-EXAMINATION BY MR. CASEY 184

CROSS-EXAMINATION (Cont'd) BY MR. CASEY 251

REDIRECT EXAMINATION BY MR. GORDER 263

BARBARA CABRAL

DIRECT EXAMINATION BY MR. GORDER 266

CROSS-EXAMINATION BY MR. WAX 287

REDIRECT EXAMINATION BY MR. GORDER 295

1 (Jury enters courtroom at 1:01 p.m.)

2 THE COURT: Mr. Gorder.

3 MR. GORDER: Thanks, Your Honor.

4

5 DIRECT EXAMINATION

6 BY MR. GORDER:

7 Q. Mr. Kohlmann, when we recessed, we were  
8 about the 1995 era during the formation of the  
9 Islamic Army Caucasus. Was there a particular  
10 institution that was formed in Chechnya by these  
11 folks in connection with their role there as  
12 mujahideens?

13 A. Yes. When Ibn-ul-Khattab and his  
14 advisors and fellow commanders first arrived in  
15 Chechnya, they arrived at the very end of the first  
16 phase of the conflict, which ended -- or began in  
17 approximately 1995, early 1996, when the Russians  
18 withdrew.

19 As a result they felt the need to prepare  
20 the Chechens along the jihadi framework along a kind  
21 of militant religious framework in order to fight  
22 the Russians again once the conflict restarted. In  
23 order to propagate those ideals, in order to  
24 propagate their sectarian view of Islam, in order to  
25 propagate their world view, they established

1 something that was known as the Caucasus Foundation  
2 or the Kavkaz Foundation also known as the Kavkaz  
3 Institute.

4 Essentially, what this was, was a small  
5 institution in the town of Serzhenyurt,  
6 S-E-R-Z-H-E-N-Y-U-R-T, which was a school, per se.  
7 It's like an academy. And the idea behind the  
8 academy was to -- it was a Dawah academy. Dawah  
9 means missionary work. And by the definition of  
10 Ibn-ul-Khattab and his advisors, missionary work  
11 included teaching Chechen Muslims about the proper  
12 way of practicing Islam along their view -- again,  
13 their sectarian view of Islam which ran counter to  
14 the traditional Sufi Islamic Caucasus, and as well  
15 to prepare them physically for combat, to give them  
16 combat training to teach them what the Arab Afghans  
17 had learned during the Soviet Afghan war about the  
18 Russian Army, the tactics that they could use to  
19 defeat the Russians the same way that the Afghans  
20 had defeated the Russians.

21 Q. I'd like to show you what's been  
22 introduced as SW-48. If we could blow that up a  
23 little bit.

24 Do you recognize that?

25 A. Yes, I do.

1 Q. And it's a little blurry. We learned  
2 earlier this morning that it was an image found in  
3 the computers in Ashland. What is that?

4 A. This is a still image from a video of the  
5 Caucasus Institute, where you see -- it's difficult  
6 to see this, but these people right here are  
7 fighters who are in camouflage who are marching in  
8 formation out of the front of Caucasus Institute.  
9 And you can see this white sign right here, which is  
10 the entrance to the Caucasus Institute, the Caucasus  
11 Foundation, and the logo for the Caucasus Foundation  
12 is right -- I'm sorry. I just concealed this. It's  
13 actually right there in the center.

14 Q. And you say that was part of a video.  
15 What was the video?

16 A. The video recording itself was a  
17 propaganda video recording which was produced in  
18 approximately 1997 or 1998, which was designed to  
19 advertise the work of the Kavkaz Institute, the  
20 Kavkaz Foundation, to show the kind of work that the  
21 Kavkaz Institute or Kavkaz Foundation was doing and  
22 to help recruit others to both join the movement and  
23 also to finance the movement.

24 It took money to establish this academy.  
25 It took money to pay for the ammunition. It also

1 took money to pay for the trainers. These were  
2 trainers, the trainers at this academy had families.  
3 They had expenses to pay, they had bills to pay, and  
4 somebody had to pay their salaries, somebody had to  
5 pay their living expenses. So by producing video  
6 recordings like this, the idea was to gather  
7 donations and gather recruits for the cost.

8 Q. Now, you have provided the Government with  
9 a copy of that video.

10 A. Yes, I have.

11 Q. And where did you find the video?

12 A. I have seen the video recording in  
13 numerous locations. When it was first recorded or  
14 first distributed, it was a fairly rare video  
15 because of the fact that internet technology had not  
16 developed to the point where people could easily  
17 distribute high resolution video recordings over the  
18 internet. However in recent years with the advent  
19 of better communication technology and cheaper  
20 communication technology, within the past two years,  
21 this same video recording has reappeared.

22 The copy that I provided to the U.S.  
23 Government was the latest highest resolution copy  
24 that I have encountered which was obtained from a  
25 jihadist discussion forum, an internet social

1     networking forum which is known Ansar al-Mujahideen,  
2     A-N-S-A-R, A-L, dash, M-U-J-A-H-I-D-E-E-N, which  
3     translates to partisans or supporters of the  
4     mujahideen. In other words, it's a social  
5     networking forum for supporters of the mujahideen  
6     and they distribute videos like this.

7                     MR. GORDER: Your Honor, at this time  
8     we'd like to play some clips from that video to give  
9     the jury an understanding of the Kavkaz Institute.  
10    There's translations underneath.

11                    (Video played from 1:07 to 1:16.)

12    BY MR. GORDER:

13            Q.     Okay. Mr. Kohlmann, and that's just a  
14    part of this particular video. Is that correct?

15            A.     Yes. This is all excerpts from the same  
16    video about the Kavkaz Institute and its various  
17    fighters and their exploits in Chechnya.

18            Q.     You indicated that it was designed to do  
19    fund-raising. Whether because of this video or  
20    otherwise, did the Kavkaz Institute appear to be  
21    well-financed?

22            A.     Relatively well-financed. Obviously, the  
23    Caucasus is a very poor region. There is very few  
24    foreign sponsors of Chechens other than for the  
25    mujahideen. As a result, it seemed to be fairly



1 well-financed. They were getting money. They were  
2 getting equipment. They were getting ammunition,  
3 weapons, and, as well, they had a fairly interesting  
4 cadre of instructors that they were paying for,  
5 including instructors from Saudi Arabia, North  
6 Africa, and elsewhere, very experienced individuals  
7 who had a long track record in training for this  
8 stuff. So it was fairly well-financed or at least  
9 comparatively well-financed.

10 Q. Can we see Exhibit EK-9 at this point.

11 Mr. Kohlmann, do you recognize the  
12 individual that's in this picture?

13 A. Yes, I do.

14 Q. And who is that?

15 A. The real name of the individual shown in  
16 this photo is Muhammad bin Abdulla al-Jaber al-Saif,  
17 S-A-I-F. Jaber is J-A-B-E-R. But this individual  
18 is better known by his kunya, his combat pseudonym.  
19 His combat pseudonym is Abu Umar, A-B-U U-M-A-R,  
20 al-Saif, the sword, A-L, dash, S-A-I-F.

21 Q. And what was Abu Umar's role at the Kavkaz  
22 Institute?

23 A. Abu Umar was an Arab Afghan, an Arab  
24 Afghan disciple, in other words, one of those who  
25 had seen the struggle at Afghanistan as the

1 beginning of a major global struggle, but in  
2 contrast to his peers he also had the credentials of  
3 an imam, or the cleric.

4 He served as the head, the de facto head  
5 of the Kavkaz Institute. He was also the head of  
6 the Sharia, the court system established by the  
7 Kavkaz Institute, in order to supplant sectar --  
8 excuse me -- in order to supplant secular court  
9 systems and secular law enforcement, these  
10 individuals attempted to set up their own Islamic  
11 law and Islamic law enforcement system, and that was  
12 the Sharia Council and the Sharia court system  
13 headed by Abu Umar al-Saif.

14 Q. I'd like to move on to late 1999. At that  
15 point did the nature of this conflict in Chechnya  
16 change?

17 A. Yes. The conflict went from a state of  
18 relative cease-fire back into open conflict.

19 Q. And if we could go back to Exhibit EK-8.  
20 And could you explain a little bit what happened in  
21 that regard?

22 A. Yes. Like-minded Islamists, local  
23 Islamists, in Dagestan, which is right here, just to  
24 the east of Chechnya decided at a certain point that  
25 they wanted to set up their own Sharia court system,

1     that they wanted to set up their own Sharia governed  
2     area, and they kicked out local police and local  
3     judges and whatnot. As a result, the Russians  
4     decided that they couldn't let another republic fall  
5     from their control, and so they entered forces into  
6     Dagestan to try to prop up order and to try to prop  
7     up the government there.

8             Ibn-ul-Khattab and his fighters decided  
9     that they couldn't let this happen. In their view  
10    that by doing so the Russians were preparing  
11    themselves to reenter Chechnya. As Ibn-ul-Khattab  
12    once said, Some people blamed us for restarting the  
13    conflict, and, you know, what were we supposed to  
14    do? We had to invade. But they more or less  
15    acknowledged the fact that they restarted the  
16    conflict. Essentially what happened was, is that  
17    Ibn-ul-Khattab, Shamil Basayev and a cadre of  
18    various fighters -- maybe up to a thousand fighters  
19    -- crossed over from Chechnya into Dagestan with the  
20    idea of expanding the conflict and using their  
21    resources now to not only defend their Muslim  
22    community inside of Chechnya, but also inside of  
23    Dagestan.

24             So they began launching aggressive  
25    guerrilla operations targeting Russian forces in

1 Dagestan including armored columns, including  
2 aircraft, et cetera, et cetera, and in other words,  
3 attempting to expand the guerrilla conflict in  
4 Chechnya outwards into Dagestan.

5 Q. And did the conflict become much more  
6 serious or -- at that point?

7 A. Yes. The Russians decided again that they  
8 could not allow this to happen, that if they allowed  
9 Dagestan to fall under the control of foreign  
10 mujahideen, along with Shamil Basayev, that would be  
11 a serious security risk, not only to the neighboring  
12 republics of Ingushetia, et cetera, but also to  
13 themselves.

14 In August of 1999 there was a series of  
15 mysterious apartment bombings in Moscow, the capital  
16 of Russia. Bombings that were blamed on  
17 Ibn-ul-Khattab and his fighters. Ibn-ul-Khattab  
18 never explicitly declared credit, but he did say  
19 that for us, you know, there's no difference between  
20 the American Army and Russian army. They've  
21 occupied Russian lands and -- they've occupied  
22 Muslim lands and we're justified in doing whatever  
23 we need to to liberate them.

24 As a result. The Russians now felt that  
25 there was a threat not only to their control in the

1     Caucasus, but that it was actually a security threat  
2     to Russia itself. They entered Dagestan and  
3     reentered Chechnya with a massive military invasion.  
4     At that point the Russian military had gotten a  
5     little bit more organized than it had been  
6     immediately after the collapse of the Soviet Union.

7             They quickly moved in, and within a few  
8     months of August 1999, when the conflict began, they  
9     had once again pushed forward and controlled most of  
10    Dagestan and Chechnya; however, the guerrilla  
11    conflict continued on. Ibn-ul-Khattab and his  
12    fighters, even though they were pushed back into the  
13    mountains and into rough terrain, they continue to  
14    launch devastating strikes on the Russian military,  
15    everywhere from Grozny, the capital of Chechnya,  
16    into Dagestan farther south into the mountains. It  
17    became an extended civil war. A civil war that  
18    continues to this day.

19            Q.     I'd like to at this point move to Exhibit  
20    SW-13. And if we could at the beginning just blow  
21    up -- this is an email that has been introduced from  
22    the computers in Ashland. It's from an Abdul-Qaadir  
23    to the Sheeshaan group in January of 2000. And it  
24    says "Welcome to Ansar Al-Mujahideen."

25            A.     That's correct, yes.

1 Q. Now, I take it that's not the website that  
2 you got this video we just saw.

3 A. No. It's not the website, but it actually  
4 is the same thing in Arabic. It means supporters or  
5 partisans of the mujahideen.

6 Q. And just a little bit below --

7 A. Excuse me. I should just add Sheeshaan  
8 means Chechnya.

9 Q. In Arabic?

10 A. Yes. In, I think, actually also in  
11 Chechnyan, but yes, Sheeshaan is just a reference to  
12 Chechnya.

13 Q. And this particular email, if we could go  
14 a little bit towards the bottom, the third paragraph  
15 here, there's a reference to "Remember to make du'aa  
16 for the mujahideen and the innocent Muslim families  
17 and others who have been displaced." What is du'aa?

18 A. Du'aa is prayer, make prayers for the  
19 mujahideen and the innocent Muslim families,  
20 et cetera, et cetera.

21 Q. Then if we could go to Exhibits 44 and 46  
22 -- 44 through 46, and start with 44. And again,  
23 this is a picture that was found in the computers.  
24 Do you recognize the picture?

25 A. Yes, I do.

1 Q. And where did that picture come from?

2 A. Well, this picture was posted -- at least  
3 the version that I saw was posted on a website known  
4 as Qoqaz.net, Q-O-Q-A-Z dot net. And the picture  
5 itself features a number of foreign mujahideen  
6 fighters including Ibn-ul-Khattab.

7 Q. And Qoqaz, what does that mean, if you  
8 know?

9 A. Qoqaz in Arabic is actually Chechnya or  
10 the Caucasus -- excuse me. The Qoqaz, the Kavkaz,  
11 Caucasus -- it's all one thing. It's just different  
12 ways of transliterating it in different languages.

13 Q. And then Exhibit 45. And we had already  
14 talked about this one. Did this one come from  
15 Qoqaz.net also?

16 A. I believe this was also on Qoqaz.net. You  
17 can actually see -- this is when Shamil Basayev was  
18 wounded. You can see his leg here is bandaged up,  
19 and I believe this is part of a news update  
20 regarding the condition of Basayev and that he was  
21 still alive and still planning operations with the  
22 foreign mujahideen fighters.

23 Q. And Exhibit SW-46. And what is this -- do  
24 you recognize this particular picture?

25 A. Yes. This is Ibn-ul-Khattab right here on

1 horseback, and the rest of these fighters are a  
2 mixed group of foreign and local fighters. And I  
3 believe this was also posted on Qoqaz.net.

4 Q. Yeah. Could you tell us a little bit more  
5 about Qoqaz.net? What was that?

6 A. When the conflict in the Caucasus  
7 restarted in August of 1999, the Islamic Army of the  
8 Caucasus, both the Chechens and the foreigners  
9 needed a way of broadcasting news about their  
10 struggle out to the outside world. Now, naturally,  
11 Chechnya doesn't have a lot of television stations,  
12 it doesn't have a lot of radio stations, and  
13 certainly, any of the radio stations or television  
14 stations there were, were not under the control of  
15 the mujahideen.

16 As a result they had to find alternative  
17 media outlets to put this information out because if  
18 you want to raise money, if you want to draw in  
19 recruits, you have to broadcast news of the struggle  
20 beyond the borders of Chechnya. So they turned to a  
21 developing area of technology, communications  
22 technology, which was the internet. The internet is  
23 fairly democratic, which means anyone can set up a  
24 website, so it was a good way for them to distribute  
25 information about their cause.



1           There were several prominent websites  
2     associated with the Islamic Army, the Caucasus.  
3     There was one website which was primarily Russian,  
4     which was created by the Chechens, the Chechen  
5     fighters. And then there was another series of  
6     websites created by the foreign mujahideen, by the  
7     foreign fighters, along with Shamil Basayev, the  
8     individual you saw in the middle of that picture  
9     with Khattab and Abu Waleed.

10           The websites that were created by that  
11    group were known under the name of Sawt al-Qoqaz  
12    S-A-W-T A-L, dash, Q-O-Q-A-Z. Sawt al-Qoqaz means  
13    voice of the Caucasus. Sawt al-Qoqaz, the website,  
14    was made available in a variety of different  
15    languages. The idea being that they wanted to try  
16    to appeal to as wide an audience as possible. So  
17    the first website that was created was Qoqaz.com.  
18    Qoqaz.com was the Arabic language website for  
19    information about the Islamic Army and the Caucasus.

20           Then in addition to that, there was also  
21    an English language website created to disseminate  
22    this information. The English language website was  
23    Qoqaz.net. A very similar name, again they're both  
24    Sawt al-Qoqaz, and the difference is in Arabic and  
25    one is English. The English language website was

1 run and maintained by a group of individuals located  
2 primarily in the United Kingdom who called  
3 themselves Azzam Publications. A-Z-Z-A-M  
4 Publications. The Qoqaz.net website, the English  
5 language website, the Islamic Army and Caucasus was  
6 actually fully contained on the Azzam Publications  
7 website. It was like a folder, a separate folder  
8 within there. But if you went to Qoqaz.net it would  
9 look like its own website.

10 Q. Now, what was Azzam Publications?

11 A. Azzam Publications was an organization  
12 started in 1996 by veterans of Arab Afghan conflicts  
13 in Afghanistan in Bosnia-Herzegovina, et cetera, who  
14 much like the Chechens realized that they needed to  
15 broadcast news or reports or information about the  
16 Arab Afghan movement, and they didn't have access to  
17 conventional or traditional media like television or  
18 radio.

19 So as a result they created a website  
20 Azzam.com whose purpose was to disseminate  
21 information about jihad and the mujahideen from the  
22 mouths of the mujahideen themselves. In other  
23 words, the propaganda outlet for the mujahideen in  
24 order to encourage others to join the movement, to  
25 contribute money to the movement, and to support the

1 movement, particularly those within the global  
2 Islamic community, not just in Afghanistan or in  
3 Saudi Arabia, but because Azzam Publications was  
4 primarily in English, to broadcast news of that out  
5 to the Islamic community in the west, to the United  
6 States, the United Kingdom and other western  
7 countries.

8 Q. If we could go to SW-56, and if we could  
9 go to the very top here. At the very top of the  
10 page -- do you recognize this particular page, by  
11 the way?

12 A. Yes, I do.

13 Q. And where does it come from?

14 A. This was originally posted up on the  
15 English language Qoqaz.net website operated by Azzam  
16 Publications.

17 Q. And at the very top it's the Jihad and  
18 Chechnya by Azzam Publications?

19 A. Yes.

20 Q. Now, was this a real interview or profile  
21 of Ibn-Khattab?

22 A. Yes. These were original interviews being  
23 done by Azzam Publications correspondents in the  
24 field. Azzam Publications actually dispatched their  
25 members out to the Caucasus to operate as fighters

1 within the Islamic Army of the Caucasus, but also to  
2 help spread the news. In other words, they'd fight  
3 with Ibn-ul-Khattab and his crew, but at the same  
4 time they would operate as combat correspondents,  
5 and they would send back information over the  
6 internet to Azzam Publications headquarters in the  
7 U.K., interviews with Ibn-ul-Khattab, interviews  
8 with the other senior leaders of the Islamic Army of  
9 the Caucasus, reports about various battles that  
10 were taking place, even video recordings were sent  
11 out from the Caucasus to London, and then made  
12 available on the Azzam Publications website.

13 Q. And turning to page 6 of this particular  
14 exhibit, this question 6 about asking Mr. Khattab,  
15 "Do you need any support? What support in  
16 particular do you need?"

17 And his answer, generally that they need  
18 support from Islamic charities. Do you remember  
19 seeing that on the internet?

20 A. Yes, I do.

21 Q. And that's an authentic comment from  
22 Ibn-Khattab?

23 A. 100 percent, yes. Ibn-ul-Khattab was  
24 actually profiled in a video recording released by  
25 Azzam Publications. In the video recording

1 Ibn-ul-Khattab says directly, If you want to support  
2 us, if you want to contact us, if you want to  
3 understand what we're doing and what we need, you  
4 need to go to our friends, our brothers, at Azzam  
5 Publications in the United Kingdom, who are in  
6 direct contact with us, and they can arrange  
7 everything.

8 Q. Now, if you could go to SW-11, and this is  
9 an email that the jury has heard was found in the  
10 computers in Ashland dated January 26 -- or 22,  
11 2000. And it appears to be transmitting the exact  
12 same question and answer, Mr. Khattab to somebody  
13 named Albuthi. Is that correct?

14 A. That is correct. You can see at the top  
15 the very specific dating format used by Azzam  
16 Publications, 20 November 1999, and is verbatim,  
17 exactly what was posted on the Azzam Publications  
18 website.

19 Q. Now, let's move to SW-12. If we can get  
20 to the title of this. This is an email that the  
21 jury has heard was in the Ashland computers from  
22 Abdul-Qaadir Abdul-Khaaliq about frequently asked  
23 questions about the jihad and Chechnya.

24 Do you recall -- have you seen this  
25 particular wording before?

1 A. Yes. This verbatim wording, yes, sir.

2 Q. And where does it come from?

3 A. Once again, this is a document taken from  
4 Qoqaz.net, the Azzam Publications website about the  
5 jihad in Chechnya.

6 Q. So it appears that what this Abdul-Qaadir  
7 fellow did was just take what he found on the Qoqaz  
8 website and sent it out himself.

9 A. Yeah. As far as I can tell --

10 MR. CASEY: Objection, Your Honor,  
11 leading.

12 THE COURT: Sustained.

13 A. As far as I can tell, this is an exact.

14 THE COURT: Excuse me, sir. I'm  
15 sorry. I sustained the objection. Go to the next  
16 question.

17 BY MR. GORDER:

18 Q. Does this appear to be an exact copy of  
19 what was on the website?

20 MR. CASEY: Same objection.

21 THE COURT: Overruled.

22 A. It does appear to be an exact verbatim  
23 copy of what was on the website, yes.

24 BY MR. GORDER:

25 Q. Now, there's a couple of subjects that are

1 discussed in this particular email, No. 1: I want  
2 to go and fight in Chechnya. How do I get there?

3 A. That's correct, yes.

4 Q. And, No. 2: How do I send donations to  
5 the Muslims in Chechnya?

6 A. That's correct. Yes.

7 Q. And, No. 3: How can we help the  
8 mujahideen in Chechnya?

9 A. That's correct. These are the kind of  
10 questions that Azzam Publications was getting most  
11 frequently from their visitors, their viewers.

12 Q. I'd like to move down to answer 1D, where  
13 it says, "Azzam Publications is only a news outlet.  
14 We do not help or sponsor people to go to jihad,"  
15 what does that mean to you?

16 A. Well, it's a legal disclaimer. It's  
17 important to remember that Azzam Publications was an  
18 organization based in the United Kingdom and thus  
19 subject to UK law. At the time to sponsor actively  
20 individuals going abroad to fight and to claim to  
21 have done so was a very unadvisable strategy because  
22 it would have most likely resulted in you being  
23 arrested by Scotland Yard, and potentially, being  
24 prosecuted by the Crown Prosecution Service.  
25 However, we also know that this is not actually true

1 because of the fact that we know specific  
2 individuals who were sponsored by Azzam Publications  
3 and sent to jihad in Chechnya, one of whom was named  
4 Xavier Jaffo, X-A-V-I-E-R J-A-F-F-O.

5           Xavier Jaffo was an individual from London  
6 who became an Azzam Publications correspondent in  
7 the field with the mujahideen in Chechnya. He was  
8 sent over there and help set up the mujahideen's  
9 first computer center, their computer learning  
10 center, and he also used that technology then to  
11 send videos and updates about the jihad back to  
12 Azzam Publications. Jaffo was eventually killed in  
13 April of 2000 in combat with Russian forces in  
14 Chechnya.

15           Q.       Now, moving to page 3, and I guess it's --  
16 the answer is E I'm interested in here -- "If you  
17 worked for or know someone who works in a reputable  
18 aid organization, inform them that the mujahideen  
19 are in urgent need of doctors, medical personnel,  
20 and medical supplies."

21                   What can you tell us about this particular  
22 item and the significance to you?

23           A.       Well, we know from other sources at the  
24 time, including documents that were recovered from  
25 Islamic charitable organizations actively in the



1     Caucasus in Chechnya, one of the major needs that  
2     mujahideen had was for first aid equipment: mobile  
3     x-ray machines, doctors who could perform surgeries  
4     on wounded fighters. These were the kind of things  
5     that could relatively easily be smuggled in by  
6     humanitarian organizations because they don't have a  
7     specific military-related purpose, but they were --  
8     the mujahideen were in desperate need of this.

9             There are no hospitals to mujahideen in  
10    Chechnya, getting in and out of Chechnya is, No. 1,  
11    extremely difficult, No. 2, exceptionally dangerous,  
12    so for wounded fighters, there wasn't always an  
13    ability to bring them out to a hospital. They had  
14    to have the medical aid be done literally on the  
15    frontline.

16            For instance, Xavier Jaffo, the individual  
17    who I just spoke of stepped on a mine and was very  
18    badly injured but conditioned to fight with the  
19    mujahideen because he couldn't be withdrawn from the  
20    field very easily for medical treatment.

21            Q.     Okay. Let's move on to Exhibit SW-27.  
22    This appears to be another email from AQ to the  
23    Sheeshaan group, "How can I train myself for jihad?"  
24    dated February 29, 2000. Have you seen this  
25    particular email before?

1 A. On numerous occasions, yes.

2 Q. And the text of it, do you recognize?

3 A. Yes, I do.

4 Q. And what is that?

5 A. "How can I train myself for jihad?" was a  
6 manual produced by Azzam Publications and  
7 distributed on Azzam Publications Qoqaz.net website.  
8 The manual itself has reappeared since then in  
9 numerous other locations, and it has been an exhibit  
10 in a number of criminal trials both here in the  
11 United States and abroad; however, this again  
12 originally was created by Azzam Publications and  
13 distributed via Qoqaz.net.

14 Q. And the subject matter of this particular  
15 email is military training, physical training,  
16 martial arts, that sort of thing?

17 A. That's correct. The purpose of this was  
18 to give people as much an education as possible that  
19 could be conveyed over the internet to help them get  
20 an idea for the lessons and the essential skills  
21 they would need to fight in jihad. Obviously, it's  
22 not the same as attending a jihadi training course,  
23 but one of the problems that the Islamic Army of the  
24 Caucasus was having was that foreign volunteers  
25 would arrive in Chechnya with no military experience

1       whatsoever, with no military skills, with no  
2       understanding of combat, and thus they weren't very  
3       much use to Ibn-ul-Khattab to Shamil Basayev.

4               The idea behind a manual such as this is  
5       so that at least by the time the fighters arrive in  
6       the Caucasus, they have at least some basic  
7       knowledge of the strategy, the tactics of the modus  
8       operandi of the Islamic Army of the Caucasus and  
9       other jihadi-style paramilitary movements.

10       Q.       And down just a little bit on this page  
11       there's another disclaimer similar to the one that  
12       you talked about earlier.

13       A.       That's correct, yes. Once again, it's  
14       important to understand that distributing a jihadi  
15       training manual from an organization based in the  
16       United Kingdom is an exceptional risky thing to do.  
17       It was -- apparently, the purpose behind this was to  
18       make sure that anyone who read this would have  
19       difficulty attempting to find a criminal prosecution  
20       wording behind it, in other words, it would be  
21       difficult to level criminal sanctions against the  
22       individuals who created and distributed this  
23       training manual, despite the fact that it talks  
24       about the paramilitary training.

25               MR. CASEY: Your Honor, move to strike

1 the last answer. By his own admission, it was  
2 apparently. He's speculating, it's clear.

3 THE COURT: Well, are you saying  
4 things that you know or --

5 THE WITNESS: I know this to be the  
6 case because, in fact, the individual who created  
7 this is currently facing criminal sanction in the  
8 United Kingdom because of this.

9 THE COURT: Overruled.

10 BY MR. GORDER:

11 Q. Now, let's turn to SW-17, and this is a  
12 web-based email the jury saw earlier this morning  
13 from the defendants' computers. Why don't you take  
14 a look at the address that it's going to and where  
15 it's coming from. Can you identify those for us?

16 A. Yes. This email -- it's actually a  
17 response being -- this is actually an email from  
18 Qoqaz.net. You can see the email address,  
19 Qoqaznet@Yahoo.co.UK labeled Qoqaz website. This  
20 was an email -- contact email address on Qoqaz.net.  
21 In other words, if you wanted information -- more  
22 information that was on the website, if you had  
23 questions, if you had comments, you could write in  
24 to Azzam Publications, Qoqaz.net, and you could  
25 communicate with them.

1           This initially was a letter written from  
2   Qoqaz.net to an individual using the address  
3   Ptichka1@Hotmail.com and this -- what you're looking  
4   at here is Ptichka sending back a reply to Azzam  
5   Publications at this Qoqaz.net website. So in other  
6   words, there's an exchange of emails going on here  
7   between an individual at the Ptichka1@Hotmail.com  
8   with Qoqaz.net, Azzam Publications.

9           Q.     Now, Exhibit SW-61, and I'd like to turn  
10   to the second page of the exhibit. If you could  
11   highlight the -- do you recognize this particular  
12   exhibit?

13          A.     I recognize the text in the top box, yes.

14          Q.     Okay. And what is that?

15          A.     The text that you see in the top box is an  
16   excerpt that was taken from the Azzam Publications  
17   Qoqaz.net website. This was a biography of the  
18   individual who I was discussing before, Abu Umar  
19   al-Saif, Abu Umar, the sword, who was the head of  
20   the Sharia courts for the Islamic Army of the  
21   Caucasus.

22          Q.     Now, and finally Exhibit SW-26, do you  
23   recognize this particular email?

24          A.     Yes.

25          Q.     At the top it appears from AQ@Yahoo to the

1 Sheeshaan group in February of 2000?

2 A. That's correct, yes.

3 Q. And it indicates it's a thank you from  
4 field commander Shamil Basayev and field commander  
5 Khattab?

6 A. From the Qoqaz.net website, yes.

7 Q. And they're thanking people for their help  
8 and support for the mujahideen in Chechnya?

9 A. Yes. It's important to understand that in  
10 order to broadcast this message out, Azzam  
11 Publications attempted to recruit as many people as  
12 possible to create alternative versions of Qoqaz.net  
13 in alternative languages, in other words, there's an  
14 Arabic website now, there's an English website, but  
15 we need to broadcast this out to a much wider  
16 audience, including people who speak neither Arabic  
17 nor English, so Azzam Publications coordinated with  
18 various other individuals around the world to create  
19 alternative language versions of the Qoqaz.net  
20 website in such languages as Bahasa Indonesian,  
21 German, Swedish, Russian, et cetera, et cetera, to  
22 try to broadcast this message and this appeal out to  
23 as many people as possible in as many countries as  
24 possible.

25 Q. And about two-thirds of the way down

1 below, there's a reference to Sister Ptichka for  
2 working on the Russian website. Is that correct?

3 A. That is correct, yes.

4 Q. And based on your studies, this is an  
5 authentic thank you from the mujahideen in Chechnya?

6 A. Yeah. I've seen this on numerous  
7 occasions and, in fact, we attempted to determine  
8 the identities of several of the individuals who  
9 were mentioned here because it was of interest to us  
10 who was working with Azzam Publications in order to  
11 spread news about the jihad in Chechnya.

12 For instance, two lines -- or three lines  
13 up you see Brother Wael and the Latin American  
14 Muslim Unity. This is a group of individuals based  
15 in San Diego and Los Angeles. So we were very  
16 interested particularly in individuals who might be  
17 located in the U.S. who were engaged in either  
18 fund-raising or providing other forms of material  
19 support to the mujahideen in Chechnya.

20 Q. Now, moving to SW-47 and the jury has seen  
21 this from the computers in Ashland. Do you  
22 recognize this?

23 A. Yes.

24 Q. What is this?

25 A. This is an icon, a button, that was on the

1 Azzam Publications Qoqaz.net website. If you  
2 clicked on this button, it brought you to the French  
3 language translation of Qoqaz.net. In other words,  
4 when you opened up Qoqaz.net, it had different  
5 buttons in different languages so if you speak this  
6 local language, you click on this button and it  
7 brings you to the particular language version. This  
8 is the French language version button.

9 Q. SW-49, is this a similar one?

10 A. Yes. This is another button used on the  
11 Qoqaz.net website created by Azzam Publications.

12 Q. And finally, Exhibit 50.

13 A. Yes. Same thing. Once again, another  
14 image that was used -- a button -- to press a button  
15 on the Qoqaz.net website.

16 Q. Now, I just wanted to run quickly through  
17 a few other exhibits to see if you can tell us  
18 whether they contain text from the Qoqaz website.  
19 SW-8?

20 A. Yes. This is again a news update. Again,  
21 you can see that the traditional naming and a format  
22 of the dates that Azzam Publications uses with the  
23 day, the date, the month, and the year, written out  
24 just like that. And then you can see a link below  
25 if you want to see original pictures from combat



1 operations in the days of Eid, a Muslim holiday of  
2 Eid. You can actually see these images. In fact, I  
3 believe the images are actually attached to this  
4 email, as well.

5 Q. Okay. Exhibit 11.

6 A. Yes. Again -- this is again an excerpt  
7 from the November 1999 exclusive interview with  
8 Ibn-ul-Khattab that was featured on the Azzam  
9 Publications Qoqaz.net website.

10 Q. SW-14.

11 A. Once again, here is another exclusive  
12 interview done by the Azzam Publications Qoqaz.net  
13 website and you can see, actually, if you read the  
14 top line, "All brothers and sisters should address  
15 any questions to the following email address,  
16 Azzam2000@email.com, in other words, Azzam  
17 Publications.

18 Q. Exhibit 19 -- or SW-19. Sorry.

19 A. Yes. Once again, Qoqaz.net. You can see  
20 at the top the label "Jihad and Chechnya Exclusive  
21 Section by Azzam Publications. The Source of  
22 Authentic News about the Mujahideen."

23 You can see "Exclusive Site by Azzam  
24 Publications," and they also list some of the  
25 alternative language versions. You can see

1 Qoqaz.de, for instance, on here. Qoqaz.de was the  
2 German language version of the Qoqaz.net website.  
3 And right here is a link for Qoqaz in Arabic,  
4 Qoqaz.com.

5 Q. Exhibit SW-24, which is from the Ashland  
6 computers.

7 A. Yes. I mean you can actually see here the  
8 URL, Qoqaz.net, and biographies of Turkish  
9 mujahideen martyred in Chechnya, 1999, 2000. Once  
10 again, another document taken from Qoqaz.net. And I  
11 believe in this case it was reposted on another  
12 website, Tevhid.de.

13 Q. Could you explain what martyred means in  
14 this context?

15 A. Martyred means to be killed in combat, to  
16 become a shahid, to become a martyr.

17 Q. Exhibit SW-28, is this also from the Qoqaz  
18 website?

19 A. Yes. You can see again what I was  
20 discussing before, the very, very traditional dating  
21 format where you have the day, the date, the month,  
22 and the year just like that. And yeah, once again,  
23 this is a news update delivered from the field by  
24 the Islamic Army of the Caucasus to Azzam  
25 Publications and broadcast via Qoqaz.net.

1 Q. Exhibit SW-31, another email from the  
2 computers?

3 A. Yes. This was a call to all Muslims.  
4 This was an appeal that was published on Qoqaz.net  
5 urging Muslims all over the world to contribute  
6 money, material, prayers, recruits, anything that  
7 they could to the conflict in the Caucasus, in other  
8 words, we're up against the wall, we need your help,  
9 it's a call from your brothers in Chechnya.

10 Q. Exhibit SW-33. Was this from the Qoqaz  
11 website?

12 A. Yes. Again, you can see this was an  
13 exclusive report from Azzam Publications in concert  
14 with Shamil Basayev. Shamil Basayev again, is the  
15 Chechen guy who runs his side of the Islamic Army of  
16 the Caucasus. You can see "The commander of  
17 mujahideen forces, field commander Shamil Basayev,  
18 has confirmed to Qoqaz.net that the mujahideen are  
19 enjoying high morale and fighting well."

20 Q. Exhibit SW-37, did that also come from the  
21 Qoqaz website?

22 A. Yes. Again, this is from the Sheeshaan  
23 email list, the Chechnyan email list, but this was  
24 simply reprinted or copied from Azzam Publications.  
25 And you can see right there again, the same dating

1 format as before and this is again an exclusive  
2 report from Qoqaz.net.

3 Q. Exhibit SW-40?

4 A. Yes. This is a document that was  
5 published on Qoqaz.net in -- I believe in 2000,  
6 shortly after the Islamic Army of the Caucasus began  
7 carrying out suicide bombings, targeting bases in  
8 Chechnya. A number of individuals carrying out  
9 suicide truck bombings, and as a result, the  
10 website, because it was broadcasting images of those  
11 bombings, images of bombers and glorifying the  
12 attacks, they felt the need to justify the idea of  
13 suicide bombings. So they distributed a document  
14 which you can see here, the title of which is "The  
15 Islamic Ruling on the Permissibility of Martyrdom  
16 Operations."

17 Q. Now, Exhibit 44 -- SW-44, I think we  
18 covered as coming from Qoqaz.net. Is that --

19 A. That's correct. That's correct. Right  
20 there. You can see it at the top right there.

21 Q. Okay. 52.

22 A. Once again, this is another excerpt from  
23 the same page on the exclusive interview with  
24 Ibn-ul-Khattab that was broadcast on Qoqaz.net.

25 Q. SW-56 is the profile we've already

1 discussed?

2 A. That's correct. It's the same profile --  
3 again, you can see jihad and Chechnya by Azzam  
4 Publications.

5 Q. Now, you've indicated that you've studied  
6 Islamic charities in connection with your work. Can  
7 you tell us about what the concept of zakat is?

8 A. Yes. Zakat is a religiously mandated  
9 tithe. It's like a Muslim version of tithe. The  
10 idea is, is that you're mandated to contribute a  
11 certain amount of your income, a certain amount of  
12 the money you're taking in, in order to provide  
13 charity to fellow Muslims.

14 Zakat means to provide charity to  
15 suffering Muslims, the Muslims who are in a  
16 difficult position. Although the traditional  
17 definition of zakat applies to poor people or  
18 orphans, whatnot, the same way that some people  
19 considered dawah, or missionary work, equally  
20 providing support to the orphans and also providing  
21 support to Muslim fighters.

22 Zakat can also be, depending on your view  
23 of Muslim, depending on your sectarian perspective,  
24 zakat can also be distributed to Muslim fighters who  
25 are fighting a larger opponent.

1 Q. And is it something you've seen in your  
2 studies where zakat is diverted to those kinds of  
3 activities --

4 MR. CASEY: Objection. Leading.

5 THE COURT: Sustained.

6 BY MR. GORDER:

7 Q. Can you describe for us any examples  
8 you've found of zakat being diverted to fighting  
9 activity?

10 A. Yeah. I mean there's numerous examples of  
11 this. There is of course the Benevolence  
12 International Foundation, which was initially a  
13 charity founded in Saudi Arabia and moved to the  
14 United States which distributed zakat calculation  
15 sheets to donors here in the United States, but was  
16 using that money equally to support the muhajireen,  
17 the refugees, and the mujahideen, the fighters in  
18 the field.

19 We know this because of the fact that BIF  
20 has been shut down here in the United States and  
21 numerous documents have been seized from its  
22 headquarters which lay out the fact that zakat money  
23 was diverted to support mujahideen.

24 In Boston, Massachusetts, another charity,  
25 which went under the name Care International,

1 C-A-R-E International, likewise distributed zakat  
2 calculation sheets to local Muslims saying that the  
3 money was going to support the struggle and going to  
4 support the orphans, but in fact was actually going  
5 to mujahideen fighters in Bosnia-Herzegovina and  
6 Chechnya and Afghanistan.

7 Q. How would people get money into war zones  
8 like this?

9 A. Well, it's not easy. Particularly in a  
10 place like Chechnya, I suppose I don't have to say  
11 this, but there are no regular banking systems.  
12 Certainly not at this time. There was no regular  
13 banking system, particularly not one available to  
14 foreign fighters or paramilitary groups.

15 In the absence of a formal financial  
16 system, the only way to get the money in was by  
17 hand, was bringing it by hand. And you don't want  
18 to bring a check into Chechnya because there's no  
19 way to cash it. So these individuals would bring in  
20 large sums of cash in suitcases.

21 What would normally happen was a foreign  
22 national, in other words, a nonChechen national,  
23 would travel with a suitcase of between 100 and  
24 \$500,000, would bring it to a country nearby to  
25 Chechnya, particularly either Georgia or Azerbaijan.

1 From there the money would be couriered across the  
2 border into the Caucasus in Chechnya and would be  
3 distributed to help support the mujahideen in the  
4 field, as well as orphans or anyone else. The idea  
5 being that the money is there to support the cause,  
6 the struggle, it goes to whoever needs it.

7 But the point is, is that the money would  
8 have to be brought in by hand. It would be  
9 extracted from a bank account or banking system, as  
10 close as possible to the conflict, either somewhere  
11 in the Middle East, in Pakistan, et cetera, and then  
12 brought by hand.

13 Q. Now, you mentioned earlier, and we watched  
14 the video that was involved in fund-raising for the  
15 Islamic Army for Caucasus. The jury has heard that  
16 two videos were seized at the Ashland al-Haramain  
17 premises by the IRS agents in 2004. Have you had an  
18 opportunity to look at those two videos?

19 A. Yes, I have.

20 Q. And there are -- there's one that's  
21 produced by a certain organization. Is that  
22 correct?

23 A. That's correct, yes.

24 MR. GORDER: Your Honor, we'd like to  
25 first play that video, excerpts from it.



1 THE COURT: You may.

2 MR. GORDER: This is SW-1.

3 (Video playing from 2:00 to 2:01 p.m.)

4 BY MR. GORDER:

5 Q. Mr. Kohlmann, now, this is just a small  
6 part of that particular video. Is that correct?

7 A. That's correct, yes.

8 Q. Now, before you had seen the video that  
9 was seized in this case in Ashland, had you seen  
10 this video before?

11 A. Yes.

12 Q. What is the American Islamic Group?

13 A. The American Islamic group is a former  
14 organization that was once based in San Diego,  
15 California. It was started by an individual by the  
16 name of Muhammad Zaky, Z-A-K-Y. Muhammad Zaky is  
17 also known as Abu Omar, A-B-U O-M-A-R, al-Masri.  
18 Zaky was a veteran of the Arab Afghan movement of  
19 the 1980s. He was at the Massada Camp in  
20 Afghanistan along with Ibn-ul-Khattab, the other  
21 Arab Afghan commanders. He was bringing them  
22 equipment, he was bringing them supplies. He was an  
23 Egyptian American. So he would bring things like  
24 satellite telephones, equipment to the mujahideen up  
25 in the mountains.

1           After the end of the Soviet Afghan war  
2       Zaky continued to travel to jihadi hot spots with  
3       the idea of participating in combat. He went to  
4       Bosnia-Herzegovina in 1992 and participated in  
5       combat there. He then eventually went on to  
6       Chechnya and was killed in Chechnya in 1995 trying  
7       to shoot down a Russian aircraft.

8           In order to help him raise money for the  
9       cause, raise money for jihad, raise money for  
10      mujahideen, he created an organization here in the  
11      United States which is known as the American Islamic  
12      Group. The organization was comprised primarily of  
13      individuals who were veterans of what is known as  
14      Makhtab al-Khidmat, M-A-K-H-T-A-B A-L, dash,  
15      K-H-I-D-M-A-T, the mujahideen services office.

16           These individuals were very close to the  
17      commanders, the jihadi commanders in the field, and  
18      felt that there was a need to distribute their  
19      propaganda around the world and help raise money for  
20      them. The video recording that you're looking at  
21      here was initially created, I believe, in 1995, just  
22      about the time of Muhammad Zaky's death in Chechnya.

23           The idea or purpose behind this video was  
24      to raise money and to recruit fighters and to gather  
25      material from here in the United States to help

1 support the individual in the chart over there,  
2 Ibn-ul-Khattab.

3 Q. Now, there was a second video seized at  
4 the same location. We'd like to play some short  
5 excerpts from that.

6 (Video played from 2:04 p.m. to 2:05 p.m.)

7 BY MR. GORDER:

8 Q. Mr. Kohlmann, these two videos we just saw  
9 some excerpts from, they're not the highest quality  
10 technical production. How were they produced?

11 A. This was mostly just cobbled together from  
12 recording other documentary films or other material  
13 that was demonstrating -- this is all material from  
14 the Chechen war. This is all material from  
15 primarily the period of 1991 to 1995. It's  
16 important to understand that up until 1995, there  
17 weren't a lot of foreign mujahideen fighters in  
18 Chechnya, and there wasn't any aggressive effort to  
19 document what was taking place.

20 So in order to raise money for people to  
21 support Chechnya, they didn't have video of foreign  
22 fighters. They didn't have high resolution video of  
23 original combat because there was no one there to  
24 film it.

25 So instead, at least in the very

1 beginning, in '95 and '96, these folks had to  
2 recycle video recordings that were distributed in  
3 Turkish documentaries about the Chechen cause, about  
4 video that filtered out into the media. It wasn't  
5 exactly the best, but the point was, is to get  
6 people inculcated with the idea there is a jihad in  
7 Chechnya, it is Islam versus nonMuslims, and these  
8 people need your support, and they're fighting a  
9 military cause.

10 So it wasn't the best, certainly not high  
11 quality, but it served its purpose. I mean these  
12 videos were played for audiences here in the United  
13 States and abroad with a specific purpose of raising  
14 money and drawing in recruits for the Chechen  
15 movement.

16 Q. Now, I'd like to turn to the al-Haramain  
17 organization in Saudi Arabia. Have you studied it?

18 A. Yes. I have studied the al-Haramain  
19 Islamic Foundation.

20 Q. And I'd like to start out by showing you  
21 Exhibit BOA-16 that's in evidence. This is a wire  
22 transfer document showing the wire transfer of  
23 \$2,000, April 15, 1999, from an organization called  
24 The Arborist. And it's going to the Banco Italo  
25 Albanese -- if I can pronounce that right -- in

1 Albania?

2 A. Yes. That's right. The Albanian Italian  
3 bank.

4 Q. And it indicates that the beneficiary is  
5 the al-Haramain Foundation, although it gives an  
6 Ashland address rather than Albania. Was there an  
7 office of al-Haramain in Albania at that time?

8 A. Yes, there was. At the time there was a  
9 conflict going on in the neighboring province of  
10 Kosovo, between Kosovoan Muslims and the government  
11 of Serbia. The government of Serbia was attempting  
12 to forcibly prevent Kosovo from separating off. As  
13 a result, there was a large number of refugees and  
14 obviously conflict taking place so the Al-Haramain  
15 Islamic Foundation, as part of its mission,  
16 established a base of operations inside neighboring  
17 Albania to help promote its position with regards to  
18 that conflict.

19 Q. If you were trying to get money to the  
20 mujahideen in Kosovo, would this have been a place  
21 to send it?

22 A. The Al-Haramain Islamic Foundation in  
23 Albania has been accused of laundering money that  
24 was sent to the mujahideen in -- not just in  
25 Albania, but also in Bosnia-Herzegovina. Documents

1 recovered from the Bosnia-Herzegovina military  
2 security service indicate that the Al-Haramain  
3 Islamic Foundation was one of the most important and  
4 largest sponsors of foreign mujahideen in this  
5 region from approximately the period of 1992 to  
6 2000.

7 Q. And I just want to make sure. That would  
8 include fighters in Kosovo.

9 A. That's correct. Kosovo and  
10 Bosnia-Herzegovina are very close to each other. A  
11 number of the same fighters that participated in the  
12 Bosnian conflict between 1991 and 1995 again  
13 participated in the conflict between 1998 and 2000  
14 in neighboring Kosovo.

15 Q. Have you ever heard of an organization in  
16 Saudi Arabia called a Saudi Joint Relief Committee?

17 A. Yes. The SJRC.

18 Q. What can you tell us about that?

19 A. The Saudi Joint Relief Committee, the  
20 SJRC, was founded in approximately 1999 in reaction  
21 to the new emergence of conflicts in Kosovo and  
22 Chechnya, the idea being that during the Bosnian war  
23 there were a number of Saudi charities that were  
24 funneling quite a bit of money into  
25 Bosnia-Herzegovina but it wasn't well-coordinated.

1 After the end of that war, there was a decision made  
2 by the Saudis that they should better coordinate the  
3 flow of funding from Saudi Arabia to these conflict  
4 zones. As a result, the SJRC emerged.

5 The SJRC was supposed to be an umbrella  
6 organization that looked after the interest of  
7 various Saudi charities active in Kosovo and  
8 Chechnya, including the Al-Haramain Islamic  
9 Foundation, the International Islamic Relief  
10 Organization, I believe also Al-Muwafak. There were  
11 several different groups that operated under the  
12 aegis or the umbrella of the SJRC.

13 Q. Now, were there problems with the SJRC?

14 A. Yes. There were very serious problems  
15 with SJRC almost immediately upon its creation. The  
16 first director general of the SJRC was an individual  
17 -- who was appointed to that position was an  
18 individual whose name is Wail Jalaidan, W-A-I-L  
19 J-A-L-A-I-D-A-N. Jalaidan is also known as Abul  
20 Hassan al-Madani, A-B-U-L H-A-S-S-A-N A-L, dash,  
21 M-A-D-A-N-I. Jalaidan, otherwise known Abul Hassan  
22 was an old friend of Osama bin Laden who had fought  
23 in the Soviet Afghan war of the 1980s.

24 In fact, he had been one of the very, very  
25 first foreign fighters to arrive in 1986 in

1 Afghanistan with the purpose of supporting the  
2 mujahideen. Later, about ten years later, Osama bin  
3 Laden was featured in an Al Jazeera video interview  
4 and he explained that at that time we were all in  
5 one boat together, myself, the sheikh of Azzam,  
6 A-Z-Z-A-M, and our Brother Wail Jalaidan. Jalaidan  
7 discussed about the various military operations that  
8 were taking place and his role in them.

9           Following the end of the Soviet Afghan war  
10 Jalaidan occupied a position that was more akin to a  
11 supporter, in other words, a financial supporter.  
12 He helped organize on Islamic charitable  
13 organizations and others to provide money and  
14 support to the mujahideen. His role continued all  
15 the way until approximately 2001 or 2002. As late  
16 as 2000 he was reported to be traveling between  
17 Pakistan and Afghanistan to meet with senior Arab  
18 Afghan leaders and bring support to them, courier  
19 support to them.

20           In September of 2002 Jalaidan was subject  
21 to joint criminal sanctions by both the governments  
22 of the United States and Saudi Arabia. It was only  
23 the second time that that had ever happened, where  
24 both governments agreed to freeze Jalaidan's bank  
25 accounts and impose criminal sanctions on him for



1 his alleged role in financing paramilitary and other  
2 organizations.

3 Q. Were there other problems with SJRC  
4 personnel --

5 A. Yes.

6 Q. -- in Bosnia or --

7 A. In Albania, in Kosovo. In 1999 a  
8 Pakistani national working for the SJRC, Muhammad  
9 Sadik Kathun (phonetic) was expelled from Albania by  
10 the Albanian government for engaging in,  
11 quote/unquote, extremist activity.

12 In 1999 and 2000 SJRC employees were  
13 caught by K-4 Kosovo peacekeepers, in other words,  
14 NATO peacekeepers in Kosovo attempting to surveil  
15 diplomatic facilities in Kosovo, in Albania, with  
16 the apparent purpose of attempting to carry out  
17 terrorist attacks on those facilities. As a result  
18 in April of 2000, the SJRC's offices in Albania and  
19 Kosovo were raided by Italian K-4 peacekeepers who  
20 were searching for evidence of potential terrorist  
21 activity by the members of SJRC and the leaders of  
22 SJRC.

23 Q. Now, I'd like to turn to the al-Haramain  
24 organization's website WWW.al-Haramain.org?

25 A. That's correct, yes.

1 Q. And have you spent a lot of time going to  
2 the website and researching what's there?

3 A. I have to say it was one of my favorite  
4 websites for a long period of time.

5 Q. Okay. I'd like to show you what's been  
6 introduced as EK-1. And could you tell us what that  
7 is?

8 A. This is a document recovered from the  
9 al-Haramain website. You can see the Al-Haramain  
10 Islamic Foundation logo at the top left and the  
11 title of this document in English is "The Latest  
12 News about the Jihad in Chechnya," and you can see  
13 the letterhead below al-Haramain Foundation Chechnya  
14 Update No. 5 or News Report No. 5.

15 Q. And this was on the website of the  
16 al-Haramain organization?

17 A. That's correct, yes. It's actually a  
18 letter addressed to the president of the Asian  
19 committee of al-Haramain.

20 Q. And this date, 2 Rajab 1420, do you have  
21 any idea?

22 A. It's approximately about 12 years ago, so  
23 it would have been about 1999.

24 Q. Okay. And down at the bottom -- or  
25 actually No. 3, I guess.

1           A.       Yes.    Again, here you have an update about  
2       exactly what's going on with the latest news about  
3       the jihad in Chechnya and you can see Russian forces  
4       and the mujahideen engage in battle in the Tarek  
5       River region.   These are again news updates similar  
6       to what was posted on Qoqaz.net about the mujahideen  
7       in Chechnya.

8           Q.       Okay.   At the very bottom of the second  
9       page, it indicates there is an al-Haramain  
10      representative in Chechnya.   Is that correct?

11          A.       That's correct, yes.

12          Q.       Yeah.   Now, at the top of the first page  
13      there's a reference "click here for the latest  
14      updates"?

15          A.       Yeah.   Click here for latest updates from  
16      Chechnya and how to help them.   My recollection is  
17      that if you clicked on that, it simply was -- it  
18      didn't do anything.   You were still on the  
19      al-Haramain website.

20          Q.       Now, moving to EK-3.   This was on the  
21      al-Haramain website from Saudi Arabia?

22          A.       That's correct.   This is another English  
23      language document.   This is part of the al-Haramain  
24      newsletter.   On the al-Haramain website al-Haramain  
25      had an English language newsletter which they

1 released approximately every month, including  
2 various different columns on various aspects of the  
3 charitable work and Islam, in general. This --  
4 actually what you're looking at here is an article  
5 that was published in the newsletter, Volume 4,  
6 Issue No. 2, in January of 2000, and the title of  
7 this editorial or article is "Brotherhood."

8 Q. Now, a little bit down the page there's a  
9 prayer that you're requested to do.

10 A. Yes. The prayer indicates -- this is  
11 actually the same prayer that was shown at the  
12 beginning of the clip from the video of Kavkaz  
13 Institute that we watched earlier.

14 You can see here, "Defeat Russia. Oh,  
15 Allah, we ask you that they be scattered -- their  
16 fire -- Shake the earth beneath their feet. Strike  
17 fear in their hearts. Cripple their limbs,"  
18 et cetera, et cetera.

19 This is verbatim, the exact same Qur'an  
20 quotation that was contained in the video of the  
21 Kavkaz Institute we watched.

22 Q. Now, EK-2. Is this another page that you  
23 found on the al-Haramain website?

24 A. Yes. This is again, another article from  
25 the online al-Haramain newsletter published at

1 al-Haramain.org. This is from Volume 4, Issue No.  
2 3, February of 2000, and it's part of a running  
3 series in the newsletter titled Sister's Pens, in  
4 other words, articles from female Muslims and  
5 articles from women.

6 And the title of this article is "Jihad"  
7 and the author is Sister A. Mosher.

8 Q. Now, a bit down the page there's a  
9 reference to, "The third stage came and the Muslims  
10 were ordered to fight the unbelievers and to  
11 initiate the fighting"?

12 A. Right. Yes.

13 Q. And then down below that, there's a  
14 paragraph where it says "Jihad is a religious  
15 obligation in Islam"?

16 A. That's correct, yes.

17 Q. "Its aim is to fight oppression and  
18 justice and remove obstacles which prevent the  
19 spread of Islam"?

20 A. That's correct, yes.

21 Q. "This is accomplished either by weakening  
22 or destroying the disbelieving prevalent political  
23 powers so that Muslims can prevent anyone from  
24 persecuting their brother Muslims wherever they may  
25 be."

1 A. Yes.

2 Q. And that was on the al-Haramain website in  
3 February 2000?

4 A. Yeah. I mean it was on there for several  
5 years frankly because I recovered it at least a year  
6 after it was initially posted, but yes, it was on  
7 the al-Haramain.org website in English.

8 Q. I'd like to move to EK-6. Do you  
9 recognize this?

10 A. Yes, I do.

11 Q. Is this something that you got off of the  
12 al-Haramain website?

13 A. Yes. This is the Arabic portion of the  
14 al-Haramain.org website. In fact, this specifically  
15 comes from the Arabic section of al-Haramain.org  
16 that is in reference to the Chechnya relief fund, in  
17 other words, this is the section of the al-Haramain  
18 website in Arabic that is particularly talking about  
19 al-Haramain's activities in the Caucasus in  
20 Chechnya.

21 Q. Now, if we could look at EK-6A, which is  
22 the translation of that particular page. And it's  
23 titled "The Main Activities of the Al-Haramain  
24 Foundation in Chechnya"?

25 A. That's correct, yes.

1 Q. And in the second paragraph it indicates  
2 what?

3 A. It says "The foundation" -- in other  
4 words, the Al-Haramain Islamic Foundation --  
5 "sponsored teachers at the Caucasus Institute" --  
6 the Kavkaz Institute, the Kavkaz Foundation, the  
7 same organization that you saw profiled in the video  
8 earlier -- "25 judges for the Islamic courts -- the  
9 Sharia courts headed by Abu Umar al-Saif -- and  
10 three missionaries who were graduates of Saudi  
11 Islamic universities. Moreover, the foundation  
12 sponsored six Islamic courts that were later turned  
13 over, et cetera, et cetera.

14 In other words, here al-Haramain is  
15 announcing the fact that it is providing support for  
16 the Kavkaz Institute run by Abu Umar al-Saif and  
17 Ibn-ul-Khattab.

18 Q. Mr. Kohlmann, what is a fatwa?

19 A. A fatwa is a religious edict in Islam. It  
20 doesn't have to be religious. It could be  
21 political, but it is the equivalent of a ruling on a  
22 particular issue regarding Islam or Muslims, and it  
23 is incumbent upon anyone who follows the person  
24 issuing the fatwa to follow the advice given. So if  
25 you follow a particular cleric and the cleric issues

1 a fatwa saying that a certain thing is forbidden or  
2 a certain thing is permissible, than you are  
3 obligated then, if you want to be considered to be a  
4 true believer, to follow the edicts laid out in  
5 those fatwas.

6 Q. Now, I show you Exhibit EK-4. Do you  
7 recognize that particular exhibit?

8 A. Yes, I do.

9 Q. And is this a fatwa by someone by the name  
10 of al-Jibrin?

11 A. That's correct. Abdallah bin Jibrin.

12 Q. And who is Mr. Jibrin?

13 A. Sheikh Abdallah bin Jibrin is a senior  
14 cleric -- a very, very senior cleric, very  
15 influential cleric from Saudi Arabia.

16 Q. And was this found on the al-Haramain  
17 website?

18 A. Yes. The al-Haramain website contained a  
19 copy of this, an original copy of this fatwa as you  
20 see here. In other words, it wasn't just written  
21 out. It was actually a scanned copy of the original  
22 document which was posted on al-Haramain.org.

23 Q. Now, going to EK-4A, is this a translation  
24 of the exhibit?

25 A. I believe it is, yes.



1 Q. Indicates that it's by Mr. al-Jibrin?

2 A. That's right. You see his name at the  
3 top, Abdallah bin Abd-al-Rahman bin Abdallah bin  
4 al-Jibrin, is dated October 26, 1999. And the title  
5 of this fatwa is the "State of the Mujahideen and  
6 the Obligation of Muslims Toward Them."

7 Q. Now, down the page a bit, it indicates  
8 what is obligatory upon Muslims. Is that correct?

9 A. That's correct. This follows into my  
10 description of what a fatwa is. And if you follow  
11 Abdallah bin Jibrin, if you respect Jibrin's  
12 authority as a cleric, it's incumbent upon you to  
13 follow his advice as to what is obligatory upon  
14 Muslims.

15 Q. And first, to "Pray for their brothers in  
16 those countries to achieve victory, gain strength  
17 and support, and repel their enemies' deception."

18 A. That's correct, yes.

19 Q. And second?

20 A. No. 2, "Supply them with weapons and  
21 material support which they would utilize to  
22 struggle and fight those who fight them."

23 Q. And third?

24 A. "Support them financially as they are in  
25 dire need for food and clothing. Strengthen them to

1     ward off the pain of striving" -- striving is  
2     struggling -- "and enable them to treat their  
3     wounded or injured."

4           Q.     And then the last paragraph indicates "We  
5     ask God to lead Islam to victory, advance his word,  
6     grant the mujahideen victory in every land"?

7           A.     Yes.    "Make firm their foothold and direct  
8     their fire, direct their shots."

9           Q.     Now, and then at the very bottom, it was  
10    apparently signed by Mr. Jibrin.

11          A.     That's correct.   And you see here at the  
12    bottom it's issued from his P.O. Box in Riyadh in  
13    the kingdom of Saudi Arabia.

14          Q.     Now, I just want you to briefly compare  
15    this English translation of the fatwa with SW-30.

16          A.     Yes.    It appears that what you're looking  
17    at here is actually another translation of the same  
18    fatwa, and as you can see, they indicate that the  
19    fatwa originally was posted on [WWW.fatwaonline.com](http://WWW.fatwaonline.com).

20          Q.     And there's some minor differences in the  
21    translation, but pretty much the same thing?

22          A.     I'm not aware of any other fatwa issued  
23    that would have mirrored this language that closely,  
24    not about this particular subject, not about this  
25    time period.

1 Q. Okay. Next Exhibit EK-5. And do you  
2 recognize this?

3 A. Yes. This is another fatwa, which was  
4 reproduced in its original format -- its original  
5 content, by scanning it and then putting it on the  
6 al-Haramain.org website in the section about jihad  
7 and Chechnya.

8 Q. And if you could go to EK-5A, who wrote  
9 this particular fatwa?

10 A. The author of this fatwa is another very,  
11 very prominent and influential conservative Saudi  
12 cleric by the name of Sheikh Mohammad bin Salih  
13 al-Uthaymin.

14 Q. And this particular one asks "What is the  
15 ruling on getting sadaqah and zakat to the Muslims?

16 A. Yes.

17 Q. And the region referring to Chechnya?

18 A. That's correct, yes.

19 Q. What is sadaqah?

20 A. Sadaqah is another form of charitable  
21 support. Zakat is obligatory. Sadaqah is not  
22 obligatory. It's recommended. In other words, you  
23 know, you're supposed to do more than the bare  
24 minimum. Sadaqah is another form of religious  
25 tithes to support struggling Muslims, orphans,

1 widows, and depending on your sectarian view, also  
2 potentially, Muslim fighters.

3 Q. And moving down to the answer that the  
4 Sheikh gave to the question, he indicates that  
5 giving sadaqah is a tithe to the Muslims and the  
6 land of the Caucasus.

7 A. It's permissible. Again, according to  
8 al-Uthaymin's sectarian view on this that sadaqah  
9 and zakat are able to be given, and in fact, should  
10 be given to both the muhajireen, the refugees, and  
11 the mujahideen, the fighters in the field.

12 Q. And he indicates that zakat would be given  
13 to the mujahideen and the poor, while sadaqah is of  
14 a wider scope?

15 A. Yeah. Again, because you fit it into the  
16 idea that sadaqah is kind of like the bonus, where  
17 zakat is kind of like the element, the base. And  
18 once you've taken care of the base, then you can  
19 worry about other secondary needs.

20 Q. And again, this was found on the  
21 al-Haramain website?

22 A. Yes. Again, it was the Arabic version,  
23 but it was -- the original scanned copy of this  
24 fatwa was on the Chechnyan Relief Fund section of  
25 the al-Haramain website.

1 MR. GORDER: May I have a moment, Your  
2 Honor?

3 THE COURT: Yes.

4 BY MR. GORDER:

5 Q. Let me show you what's been marked SW-68  
6 or is in evidence, and this is another email from  
7 the computers in Ashland. And does this appear to  
8 be the same fatwa in English?

9 A. Yeah. Again, there may be slight  
10 differences in terms of the transliteration of  
11 Arabic, in other words, the way that you take words  
12 and you spell them from Arabic to English, but this  
13 again appears to be the statement of fatwa of Ibn  
14 al-Uthaymeen, and I can say that I am not familiar  
15 with any other fatwa from this time period that  
16 would have been issued from Sheikh al-Uthaymeen that  
17 had this content. There was only one fatwa like  
18 this, as far as I'm aware.

19 MR. GORDER: No further questions,  
20 Your Honor.

21 THE COURT: All right. Members of the  
22 jury, let's stand and stretch.

23 (A discussion was had off the record.)

24 / / /

25 / / /

## CROSS EXAMINATION

BY MR. CASEY:

Q. Hello, Mr. Kohlmann, we met briefly before. I'm Bernie Casey. You went to Georgetown University?

A. That's correct, yes.

Q. A college with which I am quite familiar. You graduated in 2001. Correct?

A. May of 2001.

Q. At what age, sir?

A. You mean when I graduated Georgetown?

Q. Yeah.

A. I think 22.

Q. And you graduated with a degree from the Edward A. Walsh School of Foreign Service. Correct?

A. That's correct, yes.

Q. And your degree was in international politics?

A. Yes. With a focus on international security studies.

Q. That is a very sort of famous school, a lot of famous people associated with it, isn't it?

A. Yeah, like many universities, but yeah, sure.

Q. Well, I mean didn't President Clinton go

1       there?

2           A.       I believe he did.

3           Q.       Graduated from there?

4           A.       I believe he did.

5           Q.       And among your faculty over the years  
6 includes Henry Kissinger?

7           A.       Well, he wasn't a faculty member when I  
8 was there, but I believe he was there at some point,  
9 that's correct.

10          Q.       Madeleine Albright?

11          A.       Again, she wasn't there when I was there.  
12 She, I believe, was serving as secretary of state at  
13 the time, but yeah.

14          Q.       Jean Fitzpatrick, former U.N. ambassador?

15          A.       I actually didn't meet Jean Fitzpatrick.  
16 I was there, but once again, she was not teaching  
17 there when I was there.

18          Q.       My question was: They were members of the  
19 faculty. And I think the answer is yes. Is that  
20 correct?

21          A.       Well, yes, but not when I was there, not  
22 when --

23          Q.       Understood.

24          A.       -- I was a student.

25          Q.       Understood. You also attended, when you

1       were there, the Center for Christian Muslim  
2       Understanding. Is that correct?

3           A.       The Prince Alwaleed bin Talal Center for  
4       Muslim Christian Understanding, that's correct.

5           Q.       Now, you received a certificate from that  
6       -- what would you call it? Organization?  
7       Institution? School? Or --

8           A.       Institution. It's a separate institution  
9       within the school of foreign service.

10          Q.       They do provide for a master's program.

11          A.       That's correct, they do.

12          Q.       You did not pursue that.

13          A.       No. I decided at that point that I would  
14       -- I had done most of my studies to that point in  
15       substantive areas of Islam, and I thought that it  
16       would be appropriate to expand my knowledge to legal  
17       areas, so I went to law school instead.

18          Q.       John Voll, he was your mentor?

19          A.       Yes.

20          Q.       Professor there?

21          A.       Yes. I've just been talking to him in the  
22       last couple days.

23          Q.       And Dr. Esposito, was he the founding  
24       director of the center?

25          A.       Yes, although he didn't teach me.



1 Q. Do you know anything about him?

2 A. Dr. Esposito is the editor of the Oxford  
3 Encyclopedia of Islam. He's the author of a book --  
4 I believe called The Islamic Threat -- something  
5 like that. It's not -- it's meant to be a facetious  
6 title, but he is a fairly well-known expert in  
7 Islam.

8 Q. Right. He's written 35 books on the  
9 subject?

10 A. That's -- I mean I would -- it's been a  
11 number, but I don't know the exact number.

12 Q. Right. Do I understand correctly that the  
13 basic organizing principal, as it were, of the  
14 Center for Muslim Christian Understanding from which  
15 you received a certificate, is to essentially  
16 puncture the stereotypes, right, that all Muslims  
17 are terrorists?

18 A. That's correct, yes.

19 Q. In fact, their purpose, essentially, is to  
20 build bridges of understanding between the Muslim  
21 world and the western world or the Christian world,  
22 call it as you will.

23 A. I think it's actually verbatim their  
24 purpose, their stated purpose.

25 Q. Right. And of course Dr. Esposito agrees

1 with that. He's the founding director. John Voll,  
2 your mentor, agrees with that, and I believe, based  
3 on what I've read, sir, in your background, you  
4 certainly believe in that principle.

5 A. I do 100 percent, yes.

6 Q. You would consider yourself an  
7 understanding moderate -- Strike that.

8 An understanding person with respect to  
9 Islam?

10 A. Yes. I mean Muslims have the right to  
11 pray and practice just like anyone else.

12 Q. You are on record, are you not, in several  
13 forums, saying that Muslims don't come in all  
14 stripes, do they? They come in many stripes and  
15 they have many interpretations of basic Qur'anic  
16 principles?

17 A. Yeah. Just like Christianity, there are  
18 various different schools of Islam. There are  
19 various different views of Islam. I've already  
20 described two different schools here today, sufi  
21 school versus more the selefi, or wahhabi school.  
22 These schools don't always share everything in  
23 common with each other. In fact, sometimes these  
24 schools are as diametrically opposed to each other  
25 as they are to any other faith.

1 Q. Right. As a matter of fact, as I  
2 understand it, you have taken the position publicly  
3 that even within the ranks of the mujahideen, there  
4 are conflicting views on matters of jihad and other  
5 basic Islamic principles. Isn't that right?

6 A. Yes. I mean, for instance, you have a  
7 group like the Palestinian Hamas Movement, which is  
8 a mujahideen movement, but which is organized along  
9 the lines of the Muslim brotherhood, where as you  
10 have other jihadi movements, which are organized  
11 along the lines of selefi extremism. Hamas and  
12 these groups, even though they're both jihadi  
13 movements, even though they're both mujahideen  
14 organizations, they not only don't agree with each  
15 other, they're sometimes exceptionally hostile to  
16 each another.

17 Q. And in fact, you have called upon the  
18 United States government to enter into dialogue with  
19 the mujahideen, have you not?

20 MR. GORDER: Your Honor, I think we're  
21 getting beyond the scope of the testimony.

22 MR. CASEY: No. This is  
23 precisely with --

24 THE COURT: I don't like speaking  
25 objections.

1 MR. CASEY: I'm sorry.

2 THE COURT: Objection is overruled.

3 A. I think when you say the mujahideen it  
4 sounds -- what I said is that there are particular  
5 mujahideen movements which are not necessarily  
6 diametrically opposed to the United States or the  
7 existence of the United States, and those  
8 organizations, if they are not violently opposed to  
9 the United States, then much the same way that the  
10 U.S. negotiated with China during the Cold War, it  
11 would perhaps be beneficial to at least have an open  
12 dialogue with the groups, if not necessarily  
13 negotiate, because I don't think that you can  
14 necessarily negotiate with some of the groups, but  
15 you can at least have an open dialogue where views  
16 can be expressed back and forth.

17 BY MR. CASEY:

18 Q. And that would be a good thing, wouldn't  
19 it?

20 A. Depending on the mujahideen movement.  
21 There are certain mujahideen movements which, again,  
22 are diametrically opposed to the United States.  
23 There are others which I don't believe that a  
24 dialogue is necessarily going to have any fruitful  
25 outcome.

1 Q. Understood. And you have taken that  
2 position publicly. In fact, in panel discussion, in  
3 the Rayburn House office building in Washington,  
4 D.C. Am I right?

5 A. Numerous occasions. I mean you have to be  
6 very careful to judge people by their actions and  
7 their words and, you know, not by rumor or --

8 Q. Or broad brush. You don't want to paint  
9 with a broad brush.

10 A. That's reasonable.

11 Q. And in point of fact from what I've read,  
12 you have not?

13 A. I try to avoid that, yes. I mean again, I  
14 -- you know, it's important to view this as  
15 subjectively as possible, and it's also important to  
16 recognize that, you know, the United States has  
17 limited -- has a limited degree of power on the  
18 world, and fighting everyone is not necessarily a  
19 great idea. But again, it depends on the particular  
20 movement, because while there are several mujahideen  
21 organizations which are perhaps -- you could have  
22 the dialogue with them, maybe not negotiation, but a  
23 dialogue. Many of these groups -- their world view  
24 is such that they simply -- their world view is  
25 incompatible with the idea of the United States

1 existing as it does today, at least in terms of a  
2 world power.

3 Q. You discussed earlier in your testimony  
4 today the principle of zakat. Sometimes it's  
5 spelled with a T on the end, sometimes with an h,  
6 sometimes maybe something else, as far as I know.  
7 But I think we're talking about one of the basic  
8 pillars of Islam, are we not?

9 A. That is one of the pillars of Islam.

10 Q. And as I understood what you said, zakat  
11 is an obligation on the part of good Muslims to  
12 provide charity to other suffering Muslims.

13 A. That's correct, yes.

14 Q. And I believe you said in some cases, that  
15 would even include the mujahideen people?

16 A. Depending on your sectarian view, yes.

17 Q. Okay. And I think -- I don't think you  
18 would dispute, would you, the fact that there was an  
19 enormous need for charity and humanitarian  
20 assistance in Chechnya during the '90s, and most  
21 particularly, in 1999 and 2000?

22 A. Certainly. There is a serious  
23 humanitarian crisis in the Caucasus, among other  
24 places, but yes.

25 Q. And you told us a little bit about

1 Chechnya. As I understand it, it isn't -- it's a  
2 small area in Southeastern Europe. Is that --

3 A. I think it would be more appropriate --  
4 it's not really in Europe. It's really part of the  
5 Caucasus, but yeah.

6 Q. That's right. And the people there, you  
7 said they're Muslims. They're not going back over  
8 the centuries, I think their origin is mostly  
9 Turkish, is it not?

10 A. Yes. Again, it's --

11 Q. And not Arabic.

12 A. No, no, no. And the traditional form of  
13 Islam practice in the Caucasus is sufi Islam. It is  
14 a sectarian form of Islam, which originates really  
15 primarily in Turkey. It's elsewhere in the Muslim  
16 world, but at least the form of its practice in  
17 Chechnya generally comes from Turkey.

18 Q. Yes.

19 A. Unfortunately, though, since 1995, sufi  
20 Islam has been increasingly supplanted by selefi  
21 Islam, which was imported from Saudi Arabia.

22 Q. Okay. But in point of fact the Chechens  
23 have been battling for their independence, battling  
24 to keep up with invaders from neighboring countries  
25 for centuries?

1           A.       That's right.

2           Q.       Because I mean including Egyptians and  
3       Greeks and Romans and Arabs and Russians, they've  
4       been fighting for their independence for centuries.

5           A.       That's correct, yes.

6           Q.       And during the 18th century, as I  
7       understand it, Russia began expanding its territory  
8       inhibitions and reached into Chechnya and since  
9       then, I think it's fair to say, that the  
10      relationship between Russia and Chechnya has been  
11      exceptionally acrimonious. Is that fair?

12          A.       Yes, although it's -- I think the critical  
13      period, at least in the contemporary period starts  
14      with around the time of Stalin and the creation of  
15      the USSR in the early 20th century.

16          Q.       And the Russians have been using their  
17      overwhelming might to brutally beat back any effort  
18      by Chechens to maintain their independence.

19          A.       Well, brutally is a -- it's an assessment.  
20      I guess it's a reasonable assessment, but they have  
21      used their more -- they have used their overwhelming  
22      force with an attempt to keep Chechnya within the  
23      borders of Russia.

24          Q.       I mean I think the term brutally is one  
25      that you've used in this precise context many times.



1           A.       Yeah. Again, it's a subjective term and  
2       it depends on the particular phase of the conflict  
3       that you're talking about. I would certainly say  
4       that the tactics that were used by Stalin during the  
5       '30s were quite brutal. I would say that some of  
6       the conflict that took place during the 1990s was  
7       exceptionally brutal, but it was brutal -- it was  
8       certainly brutal on all sides. I mean the Chechens  
9       were outmanned and outgunned, but there were  
10      brutalities that were inflicted upon all sides. And  
11      the Russians had lost a tremendous number of  
12      casualties in Chechnya, not just in the current  
13      conflict, but for literally over 100 years.

14           Q.       Well, in this testimony today, though, I'm  
15      picking up a very different tone concerning the  
16      Russian versus the Chechnyan culpability, as it  
17      were, in this context.

18                    You have written extensively about this  
19      conflict, have you not?

20           A.       Well, it was one of the chapters in my  
21      thesis.

22           Q.       It was indeed. You have a thesis before  
23      in the book that should be at your desk. I'd ask  
24      you to turn to Exhibit I. This is not in evidence,  
25      but just for a point of reference for frame of

1 reference for these questions.

2 Turn, if you would, to page 71?

3 A. 71, I believe you said. That's correct?

4 Excuse me? Did you say 71?

5 Q. Yes.

6 A. Okay.

7 Q. Midway down the first paragraph, you are  
8 talking about Chechen -- or Russian resistance to  
9 Chechnya attempt for independence. And you say  
10 "This resistance has continued unabated, despite  
11 cruel and repeated retribution at the hands of the  
12 Russian Army."

13 A. That's correct.

14 Q. Okay. And this was written in 2001. Is  
15 that correct?

16 A. That's correct. Yeah.

17 Q. So this was written after the time that is  
18 at issue in this lawsuit, which is 1999 and 2000?

19 A. It was written just about the same time.  
20 I -- keep in mind that this was my thesis, which was  
21 published in April of 2001; however, I began writing  
22 this thesis in November of 2000 -- or no -- yeah,  
23 November of 2000. Excuse me. So it would have been  
24 right at the time where some of the material that  
25 we've been discussing was taking place.

1 Q. And at that time you were saying that the  
2 Russian's claims here to Chechnya and to expanding  
3 its rule over the Chechens is an illegitimate claim.  
4 Basically you said it's a dubious claim, I believe?

5 A. Yeah. It's not my business to judge what  
6 is legitimate and illegitimate --

7 Q. But it says "dubious" --

8 A. It's --

9 THE COURT: Excuse me.

10 MR. CASEY: Yes, sir.

11 THE COURT: You're both wonderfully  
12 enthusiastic. If you keep it up, Ms. Bonds, who is  
13 helping us this afternoon will be taking my name in  
14 vain.

15 MR. CASEY: I'm sorry, Your Honor.  
16 I'll slow down.

17 THE WITNESS: I apologize, Your Honor.  
18 BY MR. CASEY:

19 Q. Now, page 79, talking about the Russian  
20 claim. You say "This claim, however, is ultimately  
21 quite dubious." That's in the second full  
22 paragraph?

23 A. Yeah. Again, it is dubious. I mean the  
24 Russians have fought over this territory, this  
25 disputed territory, and their claim over it,

1 depending on your view of whether or not Chechnya is  
2 part of the Russian control, part of the Caucasus,  
3 it's dubious because of the fact that it's --  
4 there's been continuous level of resistance there  
5 against Russian occupation. However, on the other  
6 hand, Chechnya, as far as I'm aware, except the  
7 period of 1991 and 1995 has never really experienced  
8 any lengthy period of independence. So dubious,  
9 yes. I mean they have a dubious claim to it, but as  
10 part of international law, it has been part of  
11 Russia. It has been a recognized part of Russia for  
12 a very long period of time, at least by  
13 international legal standards.

14 Q. I believe you had said in the past anyway,  
15 that the Russians' attempt in the 1990s, both in the  
16 early 1990s and later in the second iteration of the  
17 war in the late '90s, their objective basically was  
18 to erase Islam from the Chechen territory --

19 A. Well --

20 Q. -- and to annihilate the Chechens. I mean  
21 you have said that, have you not?

22 A. Well, I think their purpose -- and again,  
23 this is something that I wrote nine or ten years ago  
24 -- but I think the purpose of what they did was not  
25 necessarily annihilate Islam or to annihilate the

1 Chechen people. It was designed to try to keep  
2 Chechnya from breaking away.

3           The Russians both in the 19th century and  
4 also today tend to see Islam as an organizing  
5 principle that the Chechens are using to promote  
6 resistance. So what the Russians have done and what  
7 the Soviets before them have done is try to take  
8 control of the administration of Islam in the  
9 Caucasus. What they've done is they've tried to  
10 make sure that there haven't been mosques -- there  
11 are plenty of mosques even in Russian parts of the  
12 Caucasus in Chechnya.

13           But what they've tried to do is to make  
14 sure that the clergy and that the mosques are not  
15 broadcasting messages which are antithetical to  
16 their presence or which are overtly political. In  
17 other words, as long as the sufi mosque and as long  
18 as they're talking about peace, love, and  
19 understanding, and as long as they're talking about  
20 the principles of Islam, that's fine.

21           But what the Russians are concerned about  
22 is the idea of these mosques becoming politicized,  
23 in other words, the imams, the clerics, becoming  
24 leaders of armed resistance movements. The reason  
25 that they're concerned about this is because there

1 is a history of that happening. Imam Shamil, the  
2 very, very famous Chechen guerrilla commander from  
3 time immemorial nearly over 100 years ago was a  
4 cleric. He was an imam, so that's why the Russians  
5 do it. They don't forbid the mosque --

6 MR. CASEY: Your Honor, I believe the  
7 witness is running well beyond the scope of my  
8 question.

9 THE COURT: Ask your next question.

10 BY MR. CASEY:

11 Q. Your explanation today stands a little  
12 neutral to me and -- you know, it's on the one hand  
13 and on the other hand, whereas in the past, is it  
14 not true that you were considerably less neutral  
15 in your perspective with respect to the Russians'  
16 involvement in this war with Chechnya? For example,  
17 turn, if you would, sir, to page 80 of your thesis,  
18 which is Exhibit I.

19 You say: It is not surprising that this  
20 singular Russian obsession with erasing the  
21 Chechens' religious identity has only made them even  
22 more stubbornly resistant to assimilation.

23 Skipping on down -- you did say that, did  
24 you not?

25 A. Yes. But that's again referring to not

1 the recent events. That's referring to the history  
2 of the Caucasus. And in particular, what I was  
3 referring to here, was the Stalinists tactics that  
4 were used during the 1930s.

5 Q. Sir, I don't see that in your thesis.  
6 Could you -- where is that specified?

7 A. I don't know if I specified that.

8 Q. I don't think you did, sir.

9 A. But I'm telling you. That's what I -- in  
10 order to do this study, what I had to do first of  
11 all was examine the history of Chechnya. That's the  
12 basis of the comparative study, is to see how  
13 Chechen history impacted the role of the Arab  
14 Afghans that came later. One of the important  
15 aspects of this was understanding how Stalinist  
16 purges and forced expulsions through Chechnya during  
17 the 1930s and '40s had reinforced the idea that the  
18 Russians were attempting to eradicate Islam from  
19 Chechnya.

20 I don't believe that my views have  
21 changed. I do consider myself to try to be as  
22 neutral as possible because in this conflict there  
23 is no good guy. There is no --

24 Q. Sir, is it because if I could -- you're  
25 going on, sir, if I may. Your effort to be neutral,

1       sir, does that have anything to do with your  
2       becoming a professional witness for the government?

3           A.       No --

4                   MR. GORDER:   Objection, Your Honor.

5                   THE COURT:   Sustained.

6       BY MR. CASEY:

7           Q.       All right, sir.   Turn to page 79.   I mean  
8       it's not just once that you've said that the  
9       Russians' objective was to rid the territory of  
10      Islam.   You say at page 79:   Rather than investing  
11      money into building economic and political  
12      infrastructure, Russia has devoted much of its  
13      attention in Chechnya to ridding the territory of  
14      the Islamic faith.

15                   Those are your words, sir.

16          A.       Yeah, but you have to read the next  
17      sentence, which is that I'm referring to the period  
18      of 1957 to 1967, when Chechnya was part of the USSR  
19      and where the official policy of the USSR was to  
20      eradicate religion as a potential threat to the  
21      unification of the country.   Again, I --

22          Q.       But then, sir -- excuse me.   But then you  
23      go on, do you not, at the bottom of page 80 to say:  
24      Simply put, Moscow has given the Chechens no choice  
25      but to ally with anyone who will stand together with



1       them outside -- against outside aggression.

2           A.       That's correct.

3           Q.       The Russian Army -- I'm quoting now, sir  
4       -- The Russian Army has conducted itself in a  
5       horrible fashion. It has engaged in a repeated  
6       strategy of unabashedly attempting to annihilate the  
7       Chechens. Bosnia, a city once distinctly European  
8       in character, is in total ruins after ten years of  
9       constant warfare. You're not talking about 1957  
10      there, sir. You're talking about the 1990s.

11          A.       This paragraph, yes.

12          Q.       Yes. Which continues immediately from the  
13      preceding paragraph that I just quoted. You go on  
14      to say, do you not: The infamous scorched earth  
15      tactics of the Russian Army have completely  
16      destroyed most of Chechnya leaving vocal guerrillas  
17      little choice but to fight alongside the Afghan  
18      militants. You did say that, did you not?

19          A.       Yes.

20          Q.       Now, in your testimony today you spent a  
21      lot of time, based on my interpretation of what  
22      you're saying, demonizing the mujahideen,  
23      differentiating between them and so-called  
24      nonmujahideen Chechens?

25          A.       Well --

1 MR. GORDER: Objection, Your Honor.  
2 Argumentative.

3 THE COURT: The objection is  
4 sustained.

5 BY MR. CASEY:

6 Q. Did you not devote a lot of your direct  
7 testimony talking about the intervention of the  
8 so-called Afghan mujahideen in the war against  
9 Russia?

10 A. Yes. But the Arab Afghan mujahideen and  
11 the Chechen mujahideen are two separate things.  
12 When I was talking about the tactics of the Arab  
13 Afghans, I wasn't talking about the Chechens. I was  
14 talking about the foreign fighters. I don't think I  
15 was trying to demonize anyone. I think I was just  
16 reporting on exactly what happened. Again, there's  
17 no good guys in this conflict. There are no clean  
18 hands in this conflict.

19 There's certainly a lot of -- there are a  
20 lot of criminal activities that go around, but I  
21 don't think I've ever exonerated the Arab Afghans  
22 because the Arab Afghans, what they've done in  
23 Chechnya has been horrific. I don't know if you can  
24 compare it on the same scale as what the Russians  
25 have done, but it is equally horrific. They have

1     beheaded people. They have taken hostages. They've  
2     carried out suicide bombings. They've massacred  
3     children. I don't consider any of that to be -- I  
4     don't consider that demonization. That's just  
5     facts.

6           Q.     Sir, why didn't you put all those facts  
7     into your 2001 treatise on this very situation?

8           A.     Well, because of the fact that I was doing  
9     the research for this chapter in January of 2001  
10    when the information that we've just covered here  
11    was just coming out. I mean this was brand-new  
12    information. It had just emerged. The conflict had  
13    just begun. It had begun again. So I mean in terms  
14    of what you're saying -- I understand what you're  
15    saying, but we didn't know that much about the  
16    suicide bombings, the beheadings, et cetera,  
17    et cetera, up until about late 2001.

18          Q.     Sir, we being who? "We" did not know --

19          A.     Excuse me. I did not know.

20          Q.     You did not know.

21          A.     I did not know.

22          Q.     We knew, didn't we? CIA knew?

23                   MR. GORDER: Objection, Your Honor.

24                   THE COURT: Sustained.

25                   MR. CASEY: Strike that. Withdrawn.

1 BY MR. CASEY:

2 Q. You conclude that chapter of your thesis  
3 by saying: If Moscow wishes to conclude the  
4 possibility of the emergence of fanatically  
5 antiRussian Chechen taliban, it would be well  
6 advised to withdraw its forces from the province.  
7 As long as they are there, Chechens have little  
8 choice but to rely on the Afghans for support in  
9 their long running battle for survival against  
10 foreign encroachment.

11 That was Mr. Kohlmann in 2001. It sounds  
12 like a very different Mr. Kohlmann that I've heard  
13 today.

14 A. Well, I would disagree with that, but  
15 there is one point here that I no longer agree with,  
16 which is that it would be well-advised to withdraw  
17 its forces from the province. I think one of the  
18 lessons we've learned in retrospect about looking  
19 what happened in the period from 1997 to 1999 is, is  
20 that while certainly the presence of Russian troops  
21 in Chechnya have not facilitated peace or love or  
22 understanding, that the withdrawal of Russian forces  
23 from Chechnya did not do that either.

24 And what we know now from video recordings  
25 like the video recording that you saw earlier is

1     that essentially what happened between 1997 and 1999  
2     while Russian troops had withdrawn from Chechnya is  
3     that the Arab Afghans and their local lives simply  
4     took this as an opportunity to build up their  
5     forces, to build up their weapons, and eventually  
6     launch an aggressive conflict, or aggressive  
7     guerrilla war into Dagestan.

8             So the reality is that there is no silver  
9     bullet at this point. Russian troops being in  
10    Chechnya, not a good thing. Russian troops being  
11    out of Chechnya, not a good thing either. There has  
12    to be another solution worked out where we can get a  
13    government in Chechnya that is democratic, that  
14    represents the Chechen people as a whole, and that  
15    is responsible. What we've learned is that simply  
16    withdrawing from the province and letting it fall  
17    apart is not an answer either.

18            Q.     Sir, you are being paid \$300 an hour for  
19    your testimony today?

20            A.     That's correct, yes.

21            Q.     All right. And it's -- the United States  
22    government is paying that fee, I take it?

23            A.     That's correct, yes.

24            Q.     And in point of fact you have been a  
25    witness for the United States government in how many

1 cases?

2 A. I believe 18 cases at the moment. 18  
3 cases in federal court.

4 Q. In fact, you have -- to the extent that  
5 you have always -- to the extent that you have  
6 testified on issues such as this, which I understand  
7 is more than 20 times. Correct?

8 A. If you include Guantanamo Bay military  
9 commissions, it's over 20 times.

10 Q. And in every such case you have testified  
11 on behalf of the prosecution.

12 A. In the criminal cases, that's correct,  
13 yes.

14 Q. All right. And the criminal cases are  
15 virtually all the cases, are they not?

16 A. No. I've also testified in civil trials.

17 Q. For whom?

18 A. On behalf of victims, the families of  
19 victims of terrorism.

20 Q. How many times?

21 A. I believe twice.

22 Q. Where?

23 A. In the District of Columbia.

24 Q. What's the case?

25 A. It is Gates v. Syria.

1 Q. And when was that?

2 A. That was a year and a half ago. It was  
3 the District of Columbia. I can't remember --

4 Q. Which court?

5 A. District of Columbia. I was in the  
6 federal court.

7 Q. Federal court?

8 A. Yeah.

9 Q. District court?

10 A. Yeah.

11 Q. Okay. Any other cases?

12 A. I'm about to testify in another case right  
13 now, but it hasn't actually gone to trial yet.

14 Q. So one civil case, and the rest are all  
15 criminal cases?

16 A. That is correct, yes.

17 Q. And in the criminal cases -- all the  
18 criminal cases which are over 20, I think you said,  
19 it's all for the prosecution.

20 A. At least so far, yes.

21 Q. Right. And all of these opportunities for  
22 you have occurred since you graduated from  
23 Georgetown and written this thesis?

24 A. I don't know if they were -- I don't know  
25 if they had anything to do with my thesis. I think

1 it had more -- I was working on --

2 Q. That wasn't my question, sir. All of  
3 these opportunities have arisen after the date of  
4 this thesis and after you graduated from Georgetown.

5 A. That's correct.

6 Q. Okay. You've also testified to some  
7 considerable extent today about the use of websites  
8 and you were examined on direct examination about  
9 several things that were extracted from the  
10 al-Haramain websites. Right?

11 A. That's correct. Yes.

12 Q. First of all, those documents from the  
13 al-Haramain websites that you talked about and the  
14 newsletters that were posted on the website, they're  
15 from Saudi Arabia. Right? Not from Ashland, as far  
16 as you know.

17 A. No. They're from Ashland.

18 Q. They're from Ashland?

19 A. They were marked with, I believe, an  
20 Ashland address.

21 Q. Well, I'd like to pursue that with you.  
22 Do you have those documents in front of you?

23 A. I don't think so. Not unless --

24 Q. Okay. What is your basis for saying  
25 they're from Ashland?



1           A.       My recollection of viewing the web pages.

2           Q.       Well, I'd like to see some documentation.  
3       Do you have documentation?

4           A.       Not on me at the moment.

5           Q.       You don't. Well, if I told you that those  
6       all emanated from Saudi Arabia and not from Ashland,  
7       I assume that would surprise you.

8           A.       I believe there is at least one document  
9       with an Ashland address on it --

10          Q.       At least one document?

11          A.       At least -- well, I can recall --

12          Q.       Not all the documents?

13          A.       You'd have to look at the webpages again.  
14       I can't recall that.

15          Q.       Well, what is your testimony, sir? Were  
16       these documents from Ashland or Saudi Arabia? What  
17       is your testimony?

18          A.       My testimony is that they were placed on a  
19       website, Al-Haramain.org, which was registered to a  
20       Ashland address.

21          Q.       It's registered to an Ashland address?

22          A.       Again --

23          Q.       How do you know that, sir?

24          A.       Again, I recall at least one document that  
25       had the Ashland address on there.

1 Q. What document is that, sir?

2 A. I don't have it in front of me. I'd have  
3 to -- if you like, I can research it and I can --

4 Q. This is an important point.

5 THE COURT: Counsel --

6 MR. CASEY: Withdraw my comment, Your  
7 Honor.

8 THE COURT: It's not the questions.  
9 It's that you're making it impossible for the court  
10 reporter by walking on the witness.

11 MR. CASEY: I see. I see. I'm sorry.

12 BY MR. CASEY:

13 Q. Moving on. Some of the material that you  
14 looked at appeared on computers in Ashland.  
15 Correct?

16 A. I believe so, yes.

17 Q. And some of that material came from  
18 websites that you yourself regard as Chechen or  
19 mujahideen propaganda, Kavkaz, for example.

20 A. That's correct, yes.

21 Q. Right? Azzam?

22 A. Azzam Publications, that's correct.

23 Q. Right. And I think you are on record in  
24 many, many places calling those websites basically  
25 propaganda.

1           A.       You could describe it as that, yes.

2           Q.       Yeah. Okay. But also these are websites  
3 that you rely on considerably, don't you?

4           A.       I rely on them to understand what it is  
5 the message that's trying to be propagated by the  
6 mujahideen and their commanders.

7           Q.       And you find it tremendously helpful to  
8 rely on it for that purpose, don't you?

9           A.       If you're engaged in a study of mujahideen  
10 and jihad, the best place to go to look for  
11 information about mujahideen and jihad is from --  
12 again, from the horse's mouth.

13          Q.       Exactly. And you pass on that information  
14 to various mainstream media. NBC, for one.  
15 Correct?

16          A.       Depending on whether or not it's relevant  
17 to what the media is doing.

18          Q.       But you have done that and you will  
19 continue to do it if you assume it's reliable  
20 information?

21          A.       If it's relevant to a story that they're  
22 working on, perhaps, but it would -- it depends on  
23 the case. I don't -- we collect a tremendous amount  
24 of information and only a very small portion of it  
25 is ever released publicly because most of it is not

1 really appropriate for media. A lot of the  
2 information we collect deals with aspects of jihad  
3 and mujahideen which are way beyond the interest of  
4 media and are way too specific to be broadcast.

5 We -- for instance, we collect videos  
6 every day of this material, but we don't  
7 redistribute them because of the fact that we're  
8 concerned that by redistributing them, we might fall  
9 into the trap of helping spread jihad's propaganda.

10 Q. In this particular case, you have passed  
11 on the information that you have derived from these  
12 propaganda websites to the United States Government  
13 for the purpose of assisting them in prosecuting  
14 this case.

15 A. That's correct yes.

16 Q. All right. As a matter of fact, the  
17 report that you filed, as I understand it -- and you  
18 have a copy in front of you at Exhibit A, if you  
19 like.

20 THE COURT: Tab A, please.

21 MR. CASEY: Tab A, please. Yes.

22 That's right, Your Honor. Thank you.

23 BY MR. CASEY:

24 Q. That report contains 120 footnotes, does  
25 it not?

1 MR. GORDER: Your Honor, could we wait  
2 until I get a copy of the exhibit?

3 THE COURT: Yes.

4 BY MR. CASEY:

5 Q. Would it surprise you, sir, that of the  
6 120 footnotes, almost half come from websites that  
7 you have termed to be sources of propaganda?

8 A. That wouldn't surprise me, no.

9 Q. Okay. And even more than that, if you  
10 include other sources that you consider to be  
11 sympathetic with the jihadist view of Islam?

12 A. What sources would that be?

13 Q. Well, there are -- you wrote it, sir, but  
14 they're in there, and I could get them out for you,  
15 but I'll withdraw the question.

16 The point I'm trying to make, sir, is that  
17 not everything one reads on these websites is true.  
18 Right?

19 A. I don't think I've ever said that.

20 Q. No. I don't think you have, but answer my  
21 question. Yes or no?

22 A. I imagine there are -- I mean that's what  
23 we're trying to do is we're trying to take this  
24 material and break it down into pieces and trying to  
25 take the pieces out so --

1 Q. Sir, do you know how to answer a question  
2 yes or no?

3 MR. GORDER: Objection, Your Honor.

4 THE COURT: Sustained.

5 A. We're taking this material and we're  
6 breaking it down into discrete sections so that we  
7 can take the information out of here that we deem to  
8 be relevant versus what is simply mere propaganda  
9 and use that information to better our understanding  
10 of the movement.

11 BY MR. CASEY:

12 Q. Okay. And you're not the only one that  
13 does that. I mean the New York Times looks at these  
14 websites and BBC and CNN and MS-NBC -- they're all  
15 -- all mainstream media look at these websites if  
16 they want to get information that might not  
17 otherwise be available concerning such issues as the  
18 Chechen war, don't they?

19 A. Well, I mean I only work for one media  
20 company, which is NBC, and NBC relies on me to do  
21 this. So I can't speak for other media companies.  
22 I have seen materials such as this cited by other  
23 media sources from time to time.

24 Q. You have indeed. You have indeed, sir.  
25 You cite them yourself.

1           A.       I know. And like I said, it's from time  
2 to time, but I'm not aware whether or not other  
3 media companies have dedicated projects to studying  
4 this stuff over a long period of time.

5           Q.       Whether you're aware or not, it wouldn't  
6 surprise you if people were interested in getting a  
7 different slant on the situation in the Middle East  
8 and Chechnya -- that they might look at websites  
9 such as this? That wouldn't surprise you, would it?

10          A.       It's possible.

11          Q.       Sure. Nor would it surprise you, would  
12 it, that Muslims -- people in the Muslim community  
13 who are looking for information about the struggle  
14 in Chechnya by their Muslim perhaps relatives,  
15 perhaps family members, who are either engaged in  
16 the struggle or who are victimized by the struggle,  
17 that they might look to sources such as Qoqaz and  
18 Azzam?

19          A.       Well, I would be surprised if Chechens  
20 would. Others, perhaps, but people that are  
21 Chechens wouldn't have to rely on Azzam Publications  
22 for news about what's going on in Chechnya.  
23 Outsiders, perhaps. It's possible.

24          Q.       You've also spent time on direct  
25 examination talking about the funding of the

1 struggle as it were by charities, Saudi Arabian  
2 charities. Right? You consider yourself an expert  
3 on charities that emanate from the Gulf area, don't  
4 you?

5 A. I consider myself a researcher on  
6 charities.

7 Q. Do you consider yourself an expert on it?

8 A. I consider myself a researcher. An expert  
9 -- I consider myself an expert for court, but I  
10 don't really -- I don't proffer myself on television  
11 as an expert. I consider myself a student.

12 Q. Still a student?

13 A. I think you're always a student with this  
14 material. There's always something new to learn.

15 Q. Right. But I think you'd agree with me  
16 that -- let's talk about al-Haramain. And I can  
17 talk about the other charities, but I suspect it  
18 probably applies equally to many of the charities,  
19 that many of them have devoted enormous amounts of  
20 their resources to provide legitimate humanitarian  
21 assistance.

22 A. I think the way to describe it is, is that  
23 a significant proportion of the aid provided by  
24 these charities almost certainly does go to  
25 legitimate causes, widows, orphans, refugee camps.



1 The pattern of behavior by the charities is simply  
2 that money is skimmed off the top. Up to a third of  
3 the money that's collected is skimmed off and  
4 diverted to other causes, including providing  
5 salaries for foreign fighters who are serving as the  
6 representatives -- the local representatives of  
7 these charities in foreign conflict zones.

8 Q. Well, I think with respect to al-Haramain  
9 -- let's just talk about that one for a minute. You  
10 yourself have acknowledged that, first of all, it  
11 has presences and it's in 50 different countries.  
12 That's 5-0 different countries.

13 A. All around the world.

14 Q. And in 1999 alone, the year in question  
15 here, al-Haramain provided \$61 million on good  
16 humanitarian projects worldwide. I think you've  
17 admitted that. And if you have any question about  
18 that --

19 A. I don't believe I used the word "good  
20 humanitarian causes." I believe I did say they  
21 spent \$61 million, but we really don't know how much  
22 of that money went to what. There's significant  
23 evidence that at least some of it went to genuine  
24 humanitarian causes, but we have no way of knowing  
25 what the exact percentage is --

1 Q. We being who, sir? Excuse me.

2 A. Myself and any other researchers that I've  
3 engaged with or talked to about this issue. Nobody  
4 that I know has a firm figure on the exact amount of  
5 money that was diverted. We know that a significant  
6 amount of money was diverted thanks to sources from,  
7 for instance, the Bosnia Muslim Military  
8 Intelligence Service, from documents posted on the  
9 al-Haramain website where they talk about sponsoring  
10 the Kazkav Institute. We know that some money was  
11 diverted. How much money and what percentage it is,  
12 we can only estimate.

13 By the documents that have been recovered  
14 from Arab Afghan commanders in the field, we do know  
15 that the number, in terms of how much money was  
16 diverted, is in the hundreds of thousands, if not  
17 millions of dollars. As a total percentage I don't  
18 really know how much of a percentage that is.

19 Q. Okay. So you'd be guessing basically if  
20 you --

21 A. It's a significant proportion of money but  
22 we don't know.

23 Q. Understood. Understood.

24 A. We don't know.

25 Q. Actually, you have written -- you

1 mentioned the book that you wrote. I think it's  
2 called "Al-Qaeda's Jihad in Europe"?

3 A. That's correct. That's my book.

4 Q. And that was published in 2004?

5 A. That's right, yes.

6 Q. You said today in your direct testimony it  
7 was published by the Berg -- I'm sorry -- by Oxford  
8 Press was your words.

9 A. That's right. It's -- Berg is an imprint  
10 of Oxford Press.

11 Q. I'm sorry?

12 A. I think Berg is an imprint of Oxford  
13 Press.

14 Q. Oh, well, I have the book here, and it  
15 says published by Berg, which has offices in New  
16 York, in Oxford, but not the Oxford Press.

17 A. No. Okay. There's -- there's two  
18 different Oxford presses. There's Oxford University  
19 Press and there's Oxford Press.

20 My understanding is that Berg is part of  
21 Oxford Press, not Oxford University Press, but here  
22 in the United States, most likely the copy that  
23 you're looking at was actually printed by their  
24 partner here in the U.S., which is Paul Gray  
25 MacMillan.

1 Q. Oh, so there's another iteration of this  
2 that was published by somebody else?

3 A. No, no. It's the same book. It was first  
4 published in London and then Paul Gray MacMillan,  
5 which is Berg's partner here in the United States,  
6 published the same book on their behalf here in the  
7 U.S.

8 Q. Well, there's a certain cache with the  
9 word "Oxford," isn't there, that might not be  
10 associated with Berg?

11 A. I mean let me be very clear. My book has  
12 nothing to do with Oxford University. It has  
13 nothing to do with Oxford College. It has to do  
14 with Oxford Press.

15 Q. Thank you for clarifying that. In any  
16 case, a chapter in this book -- an entire chapter is  
17 devoted to Islamic charities, is it not?

18 A. That is correct, yes, sir.

19 Q. And this was published in 2004?

20 A. Yes, although the majority of writing was  
21 done between 2001 and 2002.

22 Q. Okay. But in any case, it does cover the  
23 span of time that's in issue in this case,  
24 1999/2000?

25 A. The book?

1 Q. Yeah.

2 A. The book is primarily focused on the time  
3 period of 1992 to 1996 so --

4 Q. And I think that's primarily -- because it  
5 does cover -- when you're talking about Islamic  
6 charities, it covers the time in question, does it  
7 not?

8 A. It runs to approximately 1999 or 2000.

9 Q. All right, sir. That was my question.

10 A. Well, again - --

11 Q. That's a yes or no answer, sir.

12 A. -- the book is about the Bosnia --

13 MR. GORDER: Your Honor --

14 THE COURT: That's impossible for the  
15 court reporter. We're going to take a short recess.

16 (Jury exits courtroom at 3:14 p.m.)

17 (Recess: 3:14 to 3:30 p.m. Jury  
18 absent.)

19 BY MR. CASEY:

20 Q. So one of the chapters in your book,  
21 sir --

22 MR. CASEY: Your Honor, do you mind if  
23 I stand every now and then?

24 THE COURT: No. That's fine.

25 MR. CASEY: All right.

1 BY MR. CASEY:

2 Q. One of the chapters in your book is titled  
3 "The Role of the Islamic Charities." Right?

4 A. That's correct, yes.

5 Q. Okay. And I believe -- and we met before,  
6 right, in the so-called Daubert hearing here --

7 A. Yes.

8 Q. And that was in May of this year?

9 A. That's correct, yes.

10 Q. And the purpose of the Daubert hearing  
11 is --

12 THE COURT: Counsel --

13 MR. GORDER: I object --

14 MR. CASEY: Okay. I just want to get  
15 some background but we'll pass on it.

16 BY MR. CASEY:

17 Q. But you did have an opportunity to testify  
18 at that hearing.

19 A. Yes, I did.

20 Q. And I believe you said that this book was,  
21 in your words, very in-depth.

22 A. I was as in-depth as my editors would  
23 allow me.

24 Q. Well, that's what you say today. What you  
25 said then was "It was very in-depth, very detailed,

1 and I have written a whole chapter on Islamic  
2 charities." That sounds familiar, doesn't it?

3 A. I don't -- one is not incompatible with  
4 the other. It's very detailed, but I had a lot more  
5 than my editors forced me to cut out.

6 Q. I see. And I guess that would be during a  
7 process of peer review?

8 A. No, no, no.

9 Q. Just the editors?

10 A. The editors decided that there was  
11 material which just in the end, it was too much for  
12 ordinary readers to read. It was reading case study  
13 after case study after case study. Some of the  
14 materials was cut out.

15 Q. Well, they didn't cut out a lot, did they?  
16 I mean you've got 872 footnotes in 230 pages. They  
17 didn't cut a lot, did they?

18 A. You don't know how long the original draft  
19 was. It was maybe an additional 30 pages.

20 Q. But you've got to admit there are lots of  
21 details in here.

22 A. Definitely.

23 Q. Right?

24 A. Yes.

25 Q. Okay. And in the chapter on the Islamic

1 charities, you point the finger at lots and lots of  
2 charities. You name -- and just bear with me as I  
3 go through these -- and I may not pronounce them all  
4 correctly -- Lajnat al-Birr --

5 MR. CASEY: (To reporter) And I will  
6 get the spellings to you later.

7 BY MR. CASEY:

8 Q. Lajnat al-Birr, the Benevolence  
9 International Foundation, the Al-Kifah Refugee  
10 Center, the International Islamic Relief  
11 Organization, the Muslim World League, the  
12 Al-Muwafak Foundation, the Croatian Islamic Center,  
13 the Third World Relief Agency, the Sudanese National  
14 Islamic Front, the Egyptian Human Relief Agency.  
15 I'm not sure I got them all --

16 A. You did include, though, two that are not  
17 charities. The National Islamic Front is a  
18 political party.

19 Q. Okay.

20 A. And the Croatian Islamic Center is a  
21 mosque.

22 Q. Thank you. But it was in this chapter of  
23 the book, I believe, was it not?

24 A. Yes. Because the Third World Relief  
25 Agency is a creature or it's a subentity of the



1 National Islamic Front, and the Croatian Islamic  
2 Center, which is a mosque was used for fund-raising  
3 for a few different charities.

4 Q. Thank you for pointing that out, but the  
5 thrust of the chapter is to discuss the role of  
6 Islamic charities in funding basic -- what would you  
7 call it jihad?

8 A. Paramilitary groups, yes.

9 Q. Paramilitary groups. Okay. And those are  
10 the charities and the political parties that you  
11 mentioned in that particular context.

12 A. That's --

13 Q. Right?

14 A. Well, those are the ones that I was able  
15 to squeeze in the chapter anyway, yes. I had other  
16 material about other charities, but because of  
17 various different reasons, in the end it was cut out  
18 by editors.

19 Q. But you didn't mention al-Haramain, did  
20 you?

21 A. Not in the final -- well, in the final  
22 draft, it wasn't in there, no.

23 Q. So is it your testimony under oath today,  
24 sir, that you did include discussions about  
25 al-Haramain in drafts?

1 A. Yeah. In initial drafts but --

2 Q. Do you have copies of those drafts?

3 A. Not on me at the moment but --

4 Q. And did --

5 A. Can I just finish?

6 Q. Yes, please.

7 A. At the time that I had to put -- my  
8 editors asked me to take the charities for which I  
9 had the most compelling evidence. At the time the  
10 most compelling evidence I had was against the  
11 charities that -- or most of the charities that  
12 you've just named; however, obviously in subsequent  
13 research, I've come across other documents and I've  
14 been given access to other materials, which also  
15 expose the role of a variety of other charities.

16 Q. I see.

17 A. At least ten other charities which were  
18 not named, at least not in that chapter.

19 Q. Okay. Now -- and by that I assume you  
20 mean to imply that if you had a chance to discuss  
21 these issues after this point in time, 2004, or  
22 after you wrote this book, you would have included  
23 al-Haramain?

24 A. Well, I mean, for instance, I just  
25 testified in front of the Senate Judiciary Committee

1 and one of the charities I testified about in my  
2 testimony there was al-Haramain.

3 Q. That was on July 14, 2010, just some three  
4 weeks or so before this trial began. Right?

5 A. That's correct, yeah.

6 Q. Okay. In the meantime, however, you have  
7 gone on record how many times talking about Islamic  
8 charities? Let me just point to -- go to Tab M in  
9 my book. You testified before the house committee  
10 on financial services subcommittee on OSI and  
11 investigations in March of 2003, did you not?

12 A. Yeah, but this was -- this is  
13 substantively the same material that's in my book.  
14 This was -- essentially the material that I  
15 contributed in this testimony was taken from  
16 research in my book, so yeah, I mean the material  
17 that's in here would obviously reflect what's in my  
18 book.

19 Q. So did you actually appear before the  
20 committee on this occasion?

21 A. No. I authored -- this testimony I  
22 coauthored, but the testimony was delivered by the  
23 other coauthor. They only allowed one of us --

24 Q. That's Matthew Epstein?

25 A. That's correct, yes.

1 Q. And you helped him write this?

2 A. I didn't help him write it. We co-wrote  
3 it.

4 Q. You co-wrote it.

5 A. Yeah.

6 Q. Okay. Choose your words. Okay. The  
7 testimony includes 28 pages, single spaced, 177  
8 footnotes.

9 A. That's right, yes.

10 Q. "Arabian Gulf Financial Sponsorship of  
11 Al-Qaeda via U.S. banks, corporations, and  
12 charities."

13 A. That's correct.

14 Q. And you never mentioned al-Haramain, did  
15 you?

16 A. Again at the time when I wrote this --

17 Q. Did you, yes or no, sir, and then you can  
18 explain if you want.

19 A. As far as --

20 Q. Yes or no, sir?

21 MR. GORDER: Your Honor, can the  
22 witness be allowed to explain his answer?

23 THE COURT: Yes.

24 A. As far as I'm aware, al-Haramain is not  
25 directly referenced in here, but again, it's for the

1 same reason as the book, which is at the time when  
2 this was written in 2003, the most compelling  
3 original sources that we had dealt with particular  
4 charities. I wouldn't write about a particular  
5 charity unless I had compelling original sources  
6 which I believe showed the role that the charity  
7 played. I was certainly aware in 2003 of  
8 al-Haramain. I certainly was aware of its role in  
9 allegedly providing financing to paramilitary  
10 figures, but frankly, we just didn't have the  
11 original sources that would have made it a  
12 compelling case for congressional testimony.

13 Since then, as a result of field work that  
14 I have done in Bosnia-Herzegovina and elsewhere, I  
15 have come across other sources which have laid out  
16 the case against al-Haramain in much greater detail  
17 than was available in 2003.

18 BY MR. CASEY:

19 Q. Sir, you testified before the -- I believe  
20 it was the Southern District of New York in the  
21 matter of In re: Terrorist Attacks on September  
22 11th. Right?

23 A. I have not testified yet in that case.

24 Q. You have provided a sworn affirmation --

25 A. Yes.

1 Q. -- in connection with that litigation?

2 A. That's correct, yes.

3 Q. And that affirmation consists of 28 pages.

4 Turn if you would to Tab O.

5 A. That's correct, yes.

6 Q. And the affirmation was submitted on April  
7 22nd, 2010, this year.

8 A. That's correct, yes, sir.

9 Q. Correct. And the subject matter of the  
10 affirmation concerned the funding of jihad by  
11 Islamic charities.

12 A. Yes, but I was asked to specifically focus  
13 on particular charities that were involved in the  
14 particular aspect of this affirmation affidavit.

15 Q. You never mentioned al-Haramain, did you?

16 A. I wasn't asked to cover al-Haramain by the  
17 client. I was asked to cover specific charities.  
18 Al-Haramain was not one of them.

19 Q. I believe you have listed 17 different  
20 publications on your resume. Does that sound about  
21 right?

22 A. Publications? You mean things that I've  
23 written?

24 Q. Yes.

25 A. I'd have to see which edition of my resume

1     you're talking about.

2           Q.     If you'd just accept that for what it was,  
3     would it surprise you that those -- the -- if one  
4     could get 13 of those online, which I will proffer  
5     that we did, that in none of those statements, none  
6     of those publications do you ever mention  
7     al-Haramain?

8           A.     I mean I -- there's a lot of things I  
9     don't necessarily write about or don't publish  
10    about, but that's -- again, I don't -- a lot of the  
11    things that you're referring to that are in my CV  
12    have nothing to do with Islamic charities.

13          Q.     In the May hearing that we had here where  
14    you testified, it was brought to your attention by  
15    Mr. Wax that your book did not mention al-Haramain.  
16    Right?

17          A.     That's correct, yes.

18          Q.     Okay. And since that time -- and that was  
19    in May of this year. And since that time you have  
20    had an opportunity to prepare testimony on the same  
21    subject matter.

22          A.     That's correct, yes.

23          Q.     And that is in connection with the  
24    testimony that was given on -- excuse me -- bear  
25    with me for a second -- July 14, 2010, about three

1 weeks ago.

2 A. That's -- yeah. That's one document I've  
3 worked on, yes.

4 Q. And the paper that I'm looking at that you  
5 apparently prepared was the role of -- it's entitled  
6 "The Role of Saudi Arabian State-Sponsored  
7 Charitable Fronts in Providing Material Support to  
8 Foreign Paramilitary and Terrorist Organizations.

9 A. That's correct, yes.

10 Q. And did you actually appear before the  
11 committee?

12 A. I did indeed.

13 Q. And did you have occasion to talk to  
14 anybody in -- to -- let's say, Government counsel,  
15 in this case about this testimony?

16 A. The first that the Government counsel was  
17 aware of this testimony was about 24, 48 hours ago.

18 Q. Well, I received it from Government on  
19 Friday, so that would be --

20 A. Excuse me. Three days ago. They were --  
21 before Friday, as far as I'm aware, the government  
22 wasn't even aware that I had done that testimony.

23 Q. But it was -- in any case, it was after  
24 Mr. Wax brought to your attention that your book did  
25 not mention al-Haramain in this context.



1 A. Yeah. That's correct.

2 Q. And in this testimony, toward the end of  
3 it, you do mention al-Haramain, don't you?

4 A. Yes. Because I'm talking about the SJRC  
5 in Kosovo, which was the umbrella group for the  
6 different charities.

7 Q. And at the time that you wrote this  
8 testimony, you were aware that you'd be here  
9 testifying about this subject matter?

10 A. Yeah.

11 Q. Right. Did it occur to you that you  
12 needed to fill in some historical gaps in --

13 A. No --

14 MR. GORDER: Objection, Your Honor.

15 THE COURT: Sustained.

16 BY MR. CASEY:

17 Q. The thrust of this testimony as I have  
18 read it, and in fact, I haven't had a chance to  
19 really study it, but as I best understand it, the  
20 thrust of this testimony -- correct me if I'm wrong  
21 -- focuses on the role of the Saudi Arabian  
22 government, its role with respect to these charities  
23 and with respect to the distribution of charities in  
24 places like Chechnya.

25 A. No. I do explain the role that the Saudis

1 play in managing the charities, but my point was  
2 more to that the charities themselves, despite the  
3 fact that they carry the veneer of Saudi state  
4 sponsorship had nonetheless been involved in  
5 apparently illicit activities.

6 Q. You mention the Saudi High Commission.

7 A. I do, yes.

8 Q. And I think you said that that was  
9 established sometime in 1999 to help provide  
10 humanitarian assistance to Bosnia to Muslims in  
11 Bosnia. Is that right?

12 A. No. Let's be clear. The Saudi High  
13 Commission for Bosnia-Herzegovina was founded in  
14 1992 to support the Muslims in Bosnia-Herzegovina.

15 Q. So 1992. Okay.

16 A. Okay.

17 Q. All right. Good. And then you talk about  
18 the Saudi Joint Relief Committee?

19 A. That's correct, yes.

20 Q. And we've referred to that as the SJRC?

21 A. Yes.

22 Q. Okay. That was formed in 1999. Right?

23 A. That's correct, yes.

24 Q. I misread my notes here. Okay. And the  
25 purpose of the SJRC was to help coordinate aid

1 initially to Kosovo and then it was expanded into  
2 Chechnya. Is that right?

3 A. Yeah. I think actually when it was  
4 created, it was created for both the purposes of  
5 Kosovo and Chechnya, but the first elements of aid  
6 that were provided were to Kosovo.

7 Q. And just to give us a frame of reference,  
8 in the 1990s there was a great deal of upset in  
9 Bosnia and Kosovo. The United States Government  
10 itself actually intervened, not only financially,  
11 but militarily on behalf of the Muslim cause there.  
12 Correct?

13 A. That's correct. The U.S. military  
14 launched air strikes against targets inside Serbia  
15 and against the Serbian military in Kosovo with the  
16 intent of forcing Serbian forces to withdraw from  
17 Kosovo.

18 Q. Now, I don't think you've got this  
19 document in your book because I just got it, but if  
20 need be, I can show you what I have but we may not  
21 need to do that. The purpose of the SJRC, as I  
22 understand it, was to help coordinate the  
23 distribution of charities. Right?

24 A. That's correct, yes.

25 Q. And that was established by the Saudi

1 government.

2 A. It was established by individuals within  
3 the kingdom -- the royal family --

4 Q. The royal family of Saudi Arabia itself.

5 A. Yes.

6 Q. And the director of -- or at least at some  
7 point in time is the minister of interior. Is that  
8 right?

9 A. Prince Nayef bin Abdul Aziz, right.

10 Q. Okay. And its composition included high  
11 ranking government officials.

12 A. That's correct, yes.

13 Q. And the heads of various Saudi charities.

14 A. That's also correct, yes.

15 Q. Including al-Haramain.

16 A. Yes.

17 Q. Right? And so you have this government  
18 established institution called the SJRC that is  
19 basically overseeing the distribution of charity by  
20 these Saudi Arabian charities.

21 A. It's supposed to be overseeing.

22 Q. Supposed to be. Right?

23 A. That's the purpose of it. That's the  
24 stated purpose of it. That was the intended purpose  
25 of it anyway.

1 Q. Yes. It was set up by the kingdom itself,  
2 the members of the royal family?

3 A. That's correct, yes.

4 Q. And the employees of the SJRC, they're  
5 Saudi civil servants?

6 A. Where?

7 Q. They are governed by Saudi civil  
8 servants --

9 A. No. I mean employees where.

10 Q. Employees in Saudi Arabia.

11 A. It's true that there were employees in  
12 Saudi Arabia, but it's important to understand that  
13 the employees outside of Saudi Arabia were not Saudi  
14 nationals other than Wail Jalaidan, most of the  
15 people running the charity --

16 Q. That wasn't my question at all. I didn't  
17 ask if there was Saudi nationals or not. I'm asking  
18 if the employees -- and I do -- I did amend my  
19 question to say in Saudi Arabia were Saudi civil  
20 servants.

21 A. Yeah. Just to be clear, the ones in Saudi  
22 were -- at least the ones that I'm familiar with  
23 were working as Saudi civil servants, yes.

24 Q. All right. And at the time in 1999 when  
25 the SJRC was created by the Saudi government, the

1 Saudi government was working closely with the United  
2 States of America in connection with the  
3 distribution of aid to various parts of the world.

4 A. I'm not in a position to be able to talk  
5 about that. I have no idea if that's the case or  
6 not. I have never worked for the U.S. government in  
7 a formal capacity so I don't -- and certainly not in  
8 this capacity so there's no way I can say about the  
9 degree to which the U.S. government worked with the  
10 Saudi government to coordinate aid efforts.

11 Q. So you don't know?

12 A. I have no idea.

13 Q. Okay. But you do know that they were  
14 working closely -- that is to say the government for  
15 Saudi Arabia was working closely with the Russian  
16 government, and in fact, they came to terms with the  
17 Russian government with a written agreement which  
18 allowed the distribution of humanitarian assistance  
19 by these charities in to places such as -- well, in  
20 to Chechnya.

21 A. And my response would be the same. I've  
22 never worked in any official capacity with the  
23 Russian government either so I don't know the degree  
24 to which the Russian government did or did not work  
25 with the Saudis in terms of coordinating financing.

1           Q.       In any case, you do agree, do you not,  
2       that a large portion of the financial humanitarian  
3       assistance and other charities was provided by  
4       leading members of the royal family who were also  
5       responsible for overseeing the distribution of these  
6       funds in to places like Chechnya?

7           A.       Supposed to be overseeing, but yes. Yes.

8           Q.       Well --

9           A.       I know you just quoted --

10          Q.       You did not say supposed to be. You said  
11       were responsible. Right? Those are your words.

12          A.       Yeah, I understand, but what I'm  
13       explaining to you is, is that I can't say the degree  
14       to which they actually did oversee this. They were  
15       supposed to oversee it. That is an oversight on my  
16       part. I should have put the words "supposed to."

17          Q.       You should have in your testimony?

18          A.       I should have put the words "supposed to,"  
19       yes.

20          Q.       But you didn't?

21          A.       No, I did not.

22          Q.       So you're correcting the record now.

23          A.       Yes.

24          Q.       Okay. So in your testimony today, sir --  
25       moving on, you did refer to a number -- as I said, a

1 number of emails that appeared on the al-Haramain  
2 Ashland website -- right? -- not Ashland website --  
3 Ashland computers?

4 A. You're referring to the emails that were  
5 shown to me by the government. Correct?

6 Q. Uh-huh.

7 A. Yes.

8 Q. And in forming your testimony and whatever  
9 opinions or inferences that you have conveyed to us  
10 in your testimony, it was important that you had  
11 seen those documents. Right? At least insofar as  
12 you were testifying about the documents, I think it  
13 should go without saying that it was important that  
14 you had seen those documents. Right?

15 A. Yes. Certainly.

16 Q. Okay. You've mentioned that it's your  
17 custom to -- when you're testifying or preparing  
18 reports or other publications, it's important to  
19 differentiate between primary, second, and tertiary  
20 sources.

21 A. Yeah. That's a reasonable statement, yes.

22 Q. And primary sources are the best sources  
23 of information, aren't they?

24 A. If you can get them, yes, they are.

25 Q. Hard to get but --



1           A.       They're exceptionally hard to -- well,  
2 depends --

3           Q.       Particularly --

4                   THE COURT:   No.   Sorry, sorry.   You  
5 just can't -- impossible.

6           A.       In this field it is difficult to get  
7 primary sources.   They're still -- it's still -- you  
8 know, that's the gold standard if you can get them,  
9 but when you're dealing with paramilitary groups,  
10 when you're dealing with underground organizations  
11 and you're dealing with illicit financing networks,  
12 it is sometimes difficult to get firsthand accounts.  
13 You know, it's difficult to get someone who is  
14 accused of criminal financing to come to you and  
15 then admit to you that they've been involved in  
16 criminal financing.

17 BY MR. CASEY:

18           Q.       Right.   And a primary source would be a  
19 face-to-face interview.

20           A.       That's correct, yes.

21           Q.       Right.   Or actually personally having  
22 witnessed an event.

23           A.       Yeah.   The exchange of bad money or  
24 something, yeah, right.

25           Q.       And in your testimony today, you're not

1     relying on any primary sources.

2           A.     I'm relying on general primary sources in  
3     terms of my understanding of what al-Haramain and  
4     similar charities were doing, but I don't have any  
5     particular footnotes that are referring to  
6     particular facts from primary sources. I think you  
7     could say that everything that I write about this is  
8     informed with the interviews that I've done with  
9     various commanders, for instance, when I've talked  
10    with --

11          Q.     I'm sorry. Who? Who in this case?

12          A.     Okay. When I talked to Abu Hamza -- Abu  
13     Hamza described for me how he obtained exit visas  
14     from Pakistan for Ibn-ul-Khattab on his way to  
15     Chechnya, so in terms of that it is important to  
16     understand Ibn-ul-Khattab's travel patterns, and I  
17     got direct knowledge of that from Abu Hamza  
18     al-Masri.

19          Q.     Okay. So we've got Khattab's travel  
20     patterns. That's based on a primary source. Is  
21     that what you're saying?

22          A.     Yes. That's correct.

23          Q.     Anything else?

24          A.     Well, in Bosnia-Herzegovina, I've actually  
25     gone out and visited the headquarters of al-Haramain

1 and the former headquarters of al-Haramain. I  
2 visited the headquarters of the Saudi High Committee  
3 for Relief.

4 Q. Sir, if you could allow me -- because  
5 you're going on many different things, I'll just --

6 MR. GORDER: Your Honor, the witness  
7 needs to be given an opportunity to explain his  
8 answers.

9 MR. CASEY: He can, Your Honor, but --

10 THE COURT: Now you're interrupting  
11 me, Counsel.

12 MR. CASEY: I'm sorry. If I could  
13 just -- when he says Bosnia-Herzegovina --

14 THE COURT: Ask a question, please.  
15 BY MR. CASEY:

16 Q. What does the al-Haramain site in  
17 Bosnia-Herzegovina have to do with the issues in  
18 this case insofar as you're aware?

19 A. Well, one of the issues that I was asked  
20 to testify about was the Al-Haramain Islamic  
21 Foundation, the background of al-Haramain, the  
22 history of al-Haramain, and the role of al-Haramain  
23 in providing financing to both humanitarian and  
24 nonhumanitarian causes.

25 Q. Anything else, sir, on primary sources?

1 Primary source again, just so we're clear, so I'll  
2 remind the jury -- the ladies and gentlemen of the  
3 jury -- it's a face-to-face interview. Right?

4 A. I've also interviewed Randall Royer,  
5 otherwise known as Ismal Royer, who is an American  
6 combatant who was in Bosnia-Herzegovina, and I asked  
7 him about the role of various charities in providing  
8 financing to the mujahideen, among which, one of the  
9 charities I asked him about was al-Haramain.

10 Q. All right. Did you interview anybody in  
11 connection with providing aid specifically to  
12 Chechnya?

13 A. Not that I can recall off the top of my  
14 head, no.

15 Q. All right, sir. So with respect to that  
16 issue, you have no primary sources?

17 A. With regards to al-Haramain providing aid  
18 to Chechen insurgents, my primary source -- my  
19 primary source of knowledge is a secondary source.  
20 Excuse me.

21 Q. I understand. So you're relying basically  
22 on secondary sources. Right?

23 A. Yeah. In large part, yes.

24 Q. Now, there are also tertiary sources.

25 A. That's correct, yes.

1 Q. And tertiary sources would consist of  
2 newspaper articles, books, TV reports from reputable  
3 sources --

4 A. That's --

5 Q. -- they're not official websites of any  
6 particular organization.

7 A. Yeah. Exactly. Like Newsweek or the  
8 Washington Post or whatnot.

9 Q. Okay. So on those matters, you don't rely  
10 on those except for background and only in cases  
11 where the tertiary source is itself supported by  
12 either primary or secondary sources?

13 A. Yeah, exactly. If the Washington Post did  
14 an interview with Ibn-ul-Khattab, that would  
15 obviously be significant to me because it's an  
16 original interview with Ibn-ul-Khattab. If Newsweek  
17 happens to publish a report where they explain kind  
18 of some of the background behind something that  
19 happened that I had original sources or secondary  
20 sources about, then I use that to help fill in the  
21 context, the background.

22 But tertiary sources for me are just more  
23 kind of to fill in the edges. They're not something  
24 that you would base -- they're not something you  
25 would base an entire line of study or research on.

1 Q. Okay. So I heard you testify today about  
2 certain things that appeared on the al-Haramain  
3 website. Correct?

4 A. Yes.

5 Q. And best of my recollection -- correct me  
6 if I'm wrong -- most, if not all of them had to do  
7 with the al-Haramain newsletter that was published  
8 on the website?

9 A. Those that we talked about today?

10 Q. Yeah.

11 A. For the most part, yeah.

12 Q. Okay. And it was a newsletter that had  
13 posted within it or at least included within it,  
14 articles or commentary by other people. Right?

15 A. When you say other people, do you --

16 Q. Well, let's take the fatwas, for example.  
17 The fatwas from the two sheikhs that you mentioned.

18 A. That's correct.

19 Q. They were published by somebody else.  
20 They were written by somebody else and it was  
21 published in the newspaper, basically.

22 A. The newsletter, that's correct, yes.

23 Q. Would you hear it on the website?

24 A. Actually, the fatwas were not published in  
25 the newsletter. The fatwas were published on the

1 Chechnya Relief Fund section of the al-Haramain  
2 website.

3 Q. Understood. So it was published on --  
4 what is it? Chechnya what?

5 A. Chechnya Relief Fund section of the  
6 al-Haramain website.

7 Q. And al-Haramain in turn posted that on its  
8 website?

9 A. They -- okay. Let me be very clear. The  
10 fatwas were initially published by the clerics in  
11 Saudi Arabia. Then al-Haramain took those fatwas  
12 and posted them on their Chechnya Relief Fund, the  
13 Chechnya Relief Fund section of their website.

14 Q. So that's the al-Haramain connection with  
15 these fatwas, as far as you're concerned. Is that  
16 right?

17 A. Yes, exactly.

18 Q. Okay. And I assume as a guy who's very  
19 conversant with computers and reads them all the  
20 time, you would understand that not everything that  
21 appears on someone's website represents the views of  
22 the host of the website.

23 A. I -- it really depends what kind of a  
24 website it is --

25 Q. Let me give you an example, for example.

1 Let's say -- give you an example, for example.  
2 Let's say you're looking at a website, say,  
3 published by or hosted by the University of  
4 Pennsylvania Law School. Okay. And they publish an  
5 article written by somebody who says the Iraq War is  
6 illegal. Right? And that President Bush would be  
7 put in jail or whatever because of it. Well, that's  
8 the author's opinion. It's not necessarily the  
9 University of Pennsylvania's opinion, is it?

10 A. Yeah. That's correct. But the University  
11 of Pennsylvania is an academic institution whose  
12 specific purpose is to set up to allow for the  
13 dissemination of a variety of different viewpoints.

14 I've never seen the International Red  
15 Cross or another organization like that with a  
16 website put up something that didn't reflect their  
17 official line. Now, it may have been written by  
18 contributors, but I've never seen something posted  
19 on the International Red Cross website that the  
20 International Red Cross would then disavow. It just  
21 depends on the particular type of website you're  
22 talking about. Organizations --

23 Q. Excuse me, if I could, sir --

24 MR. GORDER: Your Honor, he keeps  
25 interrupting the witness when he's trying to explain



1 his answer.

2 MR. CASEY: I have a follow-up  
3 question, Your Honor.

4 THE COURT: Go ahead.

5

6 CROSS-EXAMINATION (Continued)

7 BY MR. CASEY:

8 Q. But you do see it all the time, don't you,  
9 where websites, newspapers, or whatever publishing  
10 points of view --

11 A. Yeah, but --

12 Q. Just a second.

13 A. Go ahead. I'm sorry.

14 Q. -- with which they don't agree?

15 A. Yes, but a newspaper is one thing. A  
16 newspaper, the idea is that it's an open venue for a  
17 lot of different viewpoints. A newspaper versus the  
18 website for an organization are two different  
19 things. When a newspaper puts up an article on its  
20 website, the whole idea is that it's supposed to be  
21 a news -- a collective news source.

22 When an organization publishes stuff on  
23 their website, they do take a certain legal and  
24 political liability by putting that stuff online.  
25 If the Red Cross put up something on their website,

1     which endorsed a very particular political view, the  
2     Red Cross would more than likely be held liable for  
3     that political view. It just depends on the nature  
4     of the website.

5             If it's a social networking website that  
6     is specifically set up to engender a variety of  
7     discussions, variety of different viewpoints, that's  
8     one thing, but the al-Haramain website was set up by  
9     people who had exclusive control over it. So I  
10    don't think the al-Haramain website is exactly a  
11    newspaper website. The newsletter was edited by  
12    al-Haramain.

13            Q.     Right, but it's a newsletter. Right? How  
14    many of -- have you read a lot of these newsletters  
15    from al-Haramain?

16            A.     Yes. I believe I've read every single one  
17    off their website.

18            Q.     And so you think everything that is posted  
19    in this newsletter on this website reflects an  
20    official al-Haramain position?

21            A.     I don't --

22            Q.     Is that your testimony?

23            A.     I don't know if it reflects the official  
24    position, but once again, when an organization puts  
25    stuff on their website like this, they do take on a

1 certain political legal liability. If someone was  
2 to put up something crazy on the International Red  
3 Cross website, more than likely the IRC would be  
4 held liable for that.

5 Q. Okay.

6 A. It just depends on the nature of the  
7 website. It depends on the purpose of the website  
8 and it depends on the contributors to the website.  
9 I don't think you can say that you just put up  
10 anything on your website, and you can disavow  
11 liability for it.

12 Q. We all understand that, sir. Let's take a  
13 concrete example. The so-called fatwas that you  
14 referred to by Sheikh Jibrin and Sheikh somebody  
15 else. I can't remember. They appeared in the  
16 newsletter.

17 A. No.

18 Q. They appeared on the website.

19 A. They appeared on the al-Haramain Chechnya  
20 Relief Fund section of the website.

21 Q. So the fatwa itself in this sense, then,  
22 would be -- would that be considered a tertiary  
23 source?

24 A. You mean from my perspective as a  
25 researcher or their perspective as a website?

1 Q. It's not an original interview. Right?

2 A. No. That would be a secondary source  
3 because it's a scanned document. It's the original  
4 document. It's not a copy -- rather it's a copy,  
5 but it's an exact scanned copy. In other words,  
6 it's the exact document with Imam Jibrin and Imam  
7 Uthaymin's signatures on it, that's a fairly  
8 credible source. That's not a tertiary source.  
9 That's a secondary source.

10 Q. So, first of all, fatwa is -- I missed  
11 your definition on direct examination when you said  
12 -- when you defined it, I was taking a note and I  
13 missed it, but my understanding is that's not  
14 necessarily obligatory unless you happen to be a  
15 Muslim who holds these sheikhs in a position of  
16 where they are giving you -- defining your specific  
17 personal obligations.

18 A. I mean the idea is it is obligatory, but  
19 you're correct that if you don't follow the clerics,  
20 if you disavow the clerics, if you say, Well,  
21 they're not -- they're apostates or they're this or  
22 they're that, you wouldn't follow their fatwas.

23 Q. Right. And you don't personally know the  
24 sheikhs, do you?

25 A. No, I don't.

1 Q. You haven't --

2 A. I think Abdulla al-Jibrin is actually dead  
3 now, but no.

4 Q. But they're -- what they were -- the  
5 essence of what they're looking for was to ask for  
6 prayers, money, and assistance, military assistance  
7 to fight communist aggression.

8 A. Well, they don't say communist aggression  
9 anywhere in the fatwa.

10 Q. Check the exhibit, sir. I checked --

11 A. I don't have the -- are they in this  
12 book --

13 Q. No.

14 A. They specifically --

15 Q. They are --

16 THE COURT: Counsel, it's impossible  
17 for her.

18 BY MR. CASEY:

19 Q. It's an exhibit that you saw, sir, and if  
20 I can refer to the number -- do you happen to have  
21 the number? It's one of the --

22 MR. GORDER: Would it be 4A or 6A --

23 MR. CASEY: Yes. 4A, yes.

24 BY MR. CASEY:

25 Q. Do you have it on the screen, sir?

1 A. Yes, I do.

2 Q. Okay. The second paragraph: It's no  
3 secret that the recent events --

4 THE COURT: That's way too fast.

5 MR. CASEY: It was indeed, Your Honor.  
6 I'm sorry.

7 BY MR. CASEY:

8 Q. (Reading): It is no secret that the  
9 recent events which occurred in the two republics of  
10 Chechnya and Dagestan, in terms of the communist  
11 aggression brought about killing, displacement, and  
12 destruction. So they did use those terms.

13 A. Excuse me. And you're correct. I didn't  
14 recall them using the word "communist."

15 MR. CASEY: Susan, Could you please  
16 put up Exhibit 6-A?

17 BY MR. CASEY:

18 Q. Now, this is another reference. Is this a  
19 reference that appeared on the al-Haramain website?

20 A. Yeah. This has nothing to do with any  
21 fatwa, though.

22 Q. Oh, I understand that. We're moving on.

23 A. Yeah. Okay. I just wanted to make sure.  
24 This was something that was taken from the  
25 al-Haramain website, that's correct.

1 Q. Right.

2 A. In its original Arabic form. This is an  
3 English translation of the Arabic.

4 Q. Right. And I believe the third sentence  
5 of that reads (reading): When the Chechnya conflict  
6 emerged, the foundation opened an office in  
7 Azerbaijan and sent hundreds of tons in relief aid  
8 that included food, clothing, and blankets.  
9 Additionally, the Foundation -- this is the  
10 al-Haramain Foundation -- supported the refugees and  
11 immigrants in neighboring countries.

12 You don't dispute that, do you?

13 A. No, not at all.

14 Q. So at the prior hearing you had an  
15 opportunity to meet Colonel Lang -- or did you meet  
16 him?

17 A. I don't think I actually -- I maybe shook  
18 hands with him. We didn't discuss -- we didn't chat  
19 about anything.

20 Q. Okay. Did you hear him testify?

21 A. I heard him present his credentials, but I  
22 don't believe I heard any substantive testimony  
23 beyond just his credentials.

24 Q. Okay. And Colonel Lang is an expert  
25 witness that the defense team expects to present in

1 this case. Correct?

2 A. If you say so.

3 Q. I should know. You shouldn't know.

4 A. I accept that.

5 Q. I will throw that out there, and you if  
6 you don't have any problem --

7 THE COURT: Counsel, do you intend to  
8 go into his credentials?

9 MR. CASEY: No, sir, I do not.

10 BY MR. CASEY:

11 Q. Let me ask you about your credentials,  
12 though. So unlike Colonel Lang, you don't have any  
13 military training, do you?

14 A. No, I don't.

15 Q. You don't have any military service of any  
16 kind.

17 A. No.

18 Q. You have not worked with -- as an employee  
19 of any intelligence or counter --

20 THE COURT: Excuse me. Don't answer  
21 the question.

22 The jury is excused for a few moments.

23 (Jury exits courtroom at 4:10 p.m.)

24 THE COURT: I need to see counsel with  
25 security clearance in the other room.



1 (Recess: 4:11 to 4:22 p.m. Jury  
2 absent.)

3 THE COURT: Members of the jury, if  
4 you were here often, you would know that I don't  
5 interrupt to send juries out very often to chat with  
6 other folks because I think your time is too  
7 important, but I may do it from time to time and  
8 don't worry about it. Don't consider why. I'll  
9 talk to you about it after the verdict to the extent  
10 I can, if you're interested. And in fact, sometimes  
11 lawyers may ask for that, and I would say no. Don't  
12 hold it against them. I pretty much know what's  
13 coming up, and I may have already made my mind up,  
14 frankly. It's a little bit stubborn but --

15 All right. Go ahead, Mr. Casey.

16 MR. CASEY: Thank you, Your Honor.

17 BY MR. CASEY:

18 Q. So as I understand it, you don't have any  
19 civilian intelligence service.

20 A. No. I've never worked as a formal part of  
21 any intelligence agency or military --

22 Q. Well, formal or informal. You never were  
23 an employee of the CIA, the FBI, or Homeland  
24 Security or --

25 A. I provide contract services to the FBI,

1 the Department of Justice, and other U.S. government  
2 agencies, but I have never acted as a formal  
3 employee, no.

4 Q. Okay. And you've never lived or worked  
5 for any substantial period of time in the Middle  
6 East or in a Muslim country?

7 A. Well, I did field work in  
8 Bosnia-Herzegovina, which is a Muslim country. I  
9 was there for weeks at a time.

10 Q. The question was not whether you did field  
11 work, but whether you lived there. I think you know  
12 what I mean.

13 A. You mean for like months?

14 Q. Yeah.

15 A. Not months at a time, but I was just in  
16 Bosnia less than eight months ago.

17 Q. Okay. And you never taught a course in  
18 international relations and national security?

19 A. That's correct.

20 Q. And you have no graduate degrees in  
21 religious studies, Islam, national security, or  
22 terrorism?

23 A. My law degree has a focus in national  
24 security and terrorism, but it's a law degree so --

25 Q. So let me ask you about that, the law

1 degree that focuses on -- what did you say?

2 International --

3 A. My studies at the University of  
4 Pennsylvania focused primarily on national security  
5 law, on terrorism, and on cyber security.

6 Q. Well, sir, I have transcript here of your  
7 law school record. In the first year of law school  
8 you studied civil procedure, contracts, torts,  
9 property, legal writing, constitutional law,  
10 criminal law, American legal history, and  
11 administrative law. That's your first year.

12 A. That's correct, yes.

13 Q. No concentration on --

14 A. Well, the first year of study is a  
15 standard year. It's the second --

16 Q. Well --

17 THE COURT: Counsel, please let him  
18 finish.

19 MR. CASEY: Counsel, I really  
20 apologize, Your Honor. I don't mean to do that.

21 A. It is the second and third year in which I  
22 had the opportunity to take classes both in cyber  
23 security, in terrorism, and then outside of law  
24 school in Afghanistan Islamism.

25 BY MR. CASEY:

1 Q. Well, my question was -- had to do with  
2 what you studied in law school, and you said you  
3 focused on international security -- I believe  
4 that's what you said.

5 A. On criminal law?

6 Q. So let's talk about second year. We  
7 talked about first year. Let's talk about second  
8 year. There are three years of law school.

9 A. That's correct, yes.

10 Q. Let's talk about the second year. You  
11 studied tax, evidence, professional responsibility,  
12 criminal procedure, copyright, corporations, topics  
13 in defamation, law, and the holocaust, and in  
14 addition, you have one course in terrorism and  
15 democracy.

16 A. That's correct.

17 Q. So far you've got two years down and  
18 you've had one course in law school relating to the  
19 subject matter in which you said you focused.

20 A. No. I mean you've covered already two  
21 classes in criminal law which have direct  
22 relationship to the study of national security and  
23 criminal law.

24 Q. Excuse me, sir. I'm a criminal lawyer --

25 MR. GORDER: Objection, Your Honor --

1 MR. CASEY: Withdrawn.

2 BY MR. CASEY:

3 Q. Third year, you studied death penalty and  
4 habeas corpus, trial advocacy, advanced criminal  
5 law, free speech, and then there's one other course  
6 in Afghanistan and Islamism. Is that correct?

7 A. That's correct.

8 Q. Did I nail those pretty well?

9 A. I believe that's everything, yes.

10 MR. CASEY: Nothing further, Your  
11 Honor.

12 THE COURT: Thank you. Redirect?

13 MR. GORDER: Just a couple of areas,  
14 Your Honor. If we could have SW-5 up.

15

16 REDIRECT EXAMINATION

17 BY MR. GORDER:

18 Q. Mr. Kohlmann, this is an exhibit that was  
19 found in the computers in Ashland. Have you seen  
20 this before?

21 A. I don't recall that I have.

22 Q. Okay. If you go to the next big  
23 attachment, and have you seen this before?

24 A. Yes. This I've seen.

25 Q. Okay. Now, you had mentioned seeing

1 something that you thought had the Ashland address  
2 on it from the website.

3 A. Yes, along with bank account numbers,  
4 that's correct.

5 Q. Okay. And is this what you were talking  
6 about?

7 A. This is exactly the webpage I was  
8 referring to. You can see the Siskiyou Boulevard,  
9 Ashland, Oregon address. This is exactly the  
10 webpage I was referring to.

11 Q. Okay. And then down below there's a list  
12 of bank accounts?

13 A. Yes. And these are the bank accounts I  
14 was just referring to. You can see Ashland branch,  
15 Bank of America, Al-Haramain Foundation.

16 Q. Okay. You were asked about case studies  
17 on al-Haramain, whether you had done any. Are you  
18 familiar that the 9/11 Commission did a case study  
19 on al-Haramain?

20 A. I believe they did.

21 Q. All right. And what was that about?

22 A. It was about the role of al-Haramain in  
23 providing financing to paramilitary and terrorist  
24 organizations in relation to the September 11  
25 terrorist attacks in the United States.

1 MR. GORDER: Nothing further, Your  
2 Honor.

3 MR. CASEY: Your Honor, may I have a  
4 minute to consult with counsel on a subject that  
5 just came up on redirect?

6 THE COURT: Yes.

7 (A discussion was had off the record.)

8 MR. CASEY: Nothing further, Your  
9 Honor.

10 THE COURT: Thank you. You may step  
11 down.

12 MR. GORDER: Your Honor, is this  
13 witness excused?

14 THE COURT: Yes.

15 MR. GORDER: Thank you.

16 Our next witness is Barbara Cabral.

17

18 BARBARA CABRAL,  
19 having been first duly sworn to testify the truth,  
20 the whole truth, and nothing but the truth, was  
21 examined and testified as follows:

22

23 THE CLERK: Please step forward.  
24 Watch your step. Please have a seat. Please state  
25 your full name for the record and spell your name

1 for the record.

2 THE WITNESS: Barbara Cabral,  
3 B-A-R-B-A-R-A C-A-B-R-A-L.

4

5 DIRECT EXAMINATION

6 BY MR. GORDER:

7 Q. Ma'am, could you tell the jury a little  
8 bit about your background, where you live, and what  
9 you do for a living?

10 A. I live in White City, Oregon. I work for  
11 JCPenney's. I'm the master stylist there.

12 Q. And that's in the Southern Oregon area?

13 A. Yes.

14 Q. Did you have a husband by the name of  
15 Richard?

16 A. Yes, I did.

17 Q. He's now deceased.

18 A. Yes.

19 Q. Okay. How long were you married?

20 A. Thirty-five years.

21 Q. And approximately when did your husband  
22 pass away?

23 A. He passed away March the 21st, 2008.

24 Q. Okay. Do you know the defendant in this  
25 case, Mr. Sedaghaty?



1 A. Yes.

2 Q. Could you point him out just for the  
3 record?

4 A. He's right over there (indicating).

5 MR. GORDER: Your Honor, can the  
6 record reflect she's identified the defendant?

7 THE COURT: Yes.

8 BY MR. GORDER:

9 Q. Would you tell the jury how you met him?

10 A. My husband contacted him because he had  
11 a --

12 MR. WAX: Your Honor, excuse me. I'm  
13 going to object to the hearsay.

14 THE COURT: Were you talking about  
15 something your husband was doing or --

16 THE WITNESS: Well, my husband is the  
17 one that contacted him because he wanted to --

18 MR. WAX: Excuse me, Your Honor. I'm  
19 going to object to any hearsay about the husband.  
20 What she knows, what she sees, it's --

21 THE COURT: What you can tell us is  
22 what you saw. And there's some things that you can  
23 tell us that you've heard, but not for the truth of  
24 them.

25 THE WITNESS: Okay. My husband was

1 visually handicapped. He could not read any papers  
2 so I'm the one that had to give the phone number for  
3 him to contact Mr. Seda.

4 THE COURT: All right. That's fine.

5 BY MR. GORDER:

6 Q. And approximately when was that?

7 A. I'm going to say that's -- to my  
8 recollection it was 1991.

9 Q. And what happened when you met  
10 Mr. Sedaghaty?

11 A. He came over with his brother and they  
12 brought us Qur'ans and spoke with us about the  
13 religion and invited us to a -- I guess you might  
14 call it like a service, but it was a prayer -- what  
15 they call prayer, Friday prayer.

16 Q. And did you ultimately decide to go to the  
17 Friday prayers?

18 A. Well, I couldn't go at first because there  
19 was no facilities for the sisters. So when --

20 Q. When you say the sisters, you mean women?

21 A. The women, yes.

22 Q. Okay.

23 A. So I would meet at one of the sister's  
24 houses while the men were praying.

25 Q. Did you and your husband get interested in

1 the Islamic religion?

2 A. Yes, we did.

3 Q. How did that develop?

4 A. Well, because of his not being able to  
5 read, I'm the one that had to read all the Qur'ans,  
6 and I read probably at least seven or eight of them  
7 to him from front -- from cover to cover.

8 Q. Was there a period of time where you began  
9 to attend services or go to a location at 3800  
10 Southwest Highway 99 in Ashland?

11 A. Yes.

12 Q. If we could have Exhibit 66. Yes. SW-66  
13 -- excuse me. Do you recognize that picture?

14 A. Yes, I do.

15 Q. And that's the location on Highway 99?

16 A. Yes.

17 Q. Now, you say that -- you referred to the  
18 sisters. Who -- could you identify some of the  
19 people that were women who attended this mosque?

20 A. Yes, I can.

21 Q. Okay.

22 A. Do you want me to give their names?

23 Q. Yes, please.

24 A. There was -- I don't know the last names,  
25 but there was Azizi, there was a Mary, Laleh,

1 Safiyah, Brya, some -- there was -- we had a big  
2 turnover, too, so I don't remember all their names.

3 Q. Okay. I want to focus on Safiyah for a  
4 moment. What can you tell us about her?

5 A. Well, the first time I met Safiyah she was  
6 working for her aunt and uncle in Medford in a  
7 restaurant, a Russian restaurant. And when my  
8 husband and I would go in there, she was -- she  
9 waited on us a couple of times. And then I didn't  
10 see her again for a while, and then when I went to  
11 prayer, she was there.

12 Q. What can you tell us about her, her  
13 background?

14 A. Other than she told me that --

15 MR. WAX: I'm going to object on  
16 grounds of relevancy.

17 MR. GORDER: Your Honor, I'm getting  
18 into her language abilities.

19 THE COURT: Overruled. Then ask about  
20 that.

21 MR. GORDER: Okay.

22 BY MR. GORDER:

23 Q. Did she speak Russian?

24 A. Yes.

25 Q. Did anybody else, to your knowledge,

1 amongst the sisters speak Russian?

2 A. No.

3 Q. Now, if we could look at Exhibit SW-64.

4 You've seen this exhibit before?

5 A. Yes.

6 Q. Okay. And this is a diagram of the floor  
7 plan on Highway 99?

8 A. Yes.

9 Q. And this particular page says lower level.  
10 Do you recognize that?

11 A. Yes, I do.

12 Q. Okay. Can you tell us, when you would go  
13 to this location, where did you normally attend  
14 services?

15 A. Downstairs.

16 Q. Okay. On this lower level?

17 A. Yes. At the -- in the -- I guess it would  
18 be the living room.

19 Q. Okay. And what were the nature of the  
20 services?

21 A. They were what we call khutbahs. They're  
22 like when you go to church and you have a preacher  
23 that gives sermons, it would be like that. And they  
24 had it set up so that there was a speaker so we  
25 could hear whoever was doing it that Friday from

1 upstairs.

2 Q. Okay. So the sermon was upstairs, and you  
3 and the other women were downstairs?

4 A. Yes.

5 Q. Now, do you see on the diagram there's a  
6 -- just above the living room there's an office, a  
7 Room X?

8 A. Yes.

9 Q. When you were worshipping downstairs, was  
10 that an office?

11 A. No. That was a bedroom.

12 Q. Okay. Was there a point in time where at  
13 some point you moved upstairs for services?

14 A. Yes, we did. When Pete moved in to the  
15 downstairs, then we went upstairs.

16 Q. Okay. Could we go to the second page.

17 And you recognize this as a diagram of the  
18 upper level of the house?

19 A. Yes.

20 Q. Okay. Now, perhaps you could show us  
21 where the services were conducted and where you  
22 were. And if you touch the screen, it will make a  
23 little line.

24 A. Okay. The prayer for the brothers or the  
25 men was here, and the ladies were on this side.

1 Q. Okay. And was there any kind of  
2 separation?

3 A. Yes.

4 Q. And what was that?

5 A. Well, there was a curtain drawn where the  
6 stairs are to where the -- to where it says wood  
7 stove there. There's a -- there was an opening  
8 right there, and we had a curtain across there, and  
9 also there was a curtain across where the kitchen  
10 was, also.

11 Q. Now, did you also visit this location at  
12 other times besides just Friday services?

13 A. Yes. We had potlucks or like meetings  
14 where we discussed the Qur'an and that type of  
15 thing.

16 Q. And did you do any work at the -- at this  
17 location?

18 A. Yes. Several of us helped pack Qur'ans  
19 and information to prisoners, but it depended on  
20 what -- we had like these little lists that said  
21 what went to who, so you would just -- if they  
22 didn't need a Qur'an, you didn't put one in there.  
23 They just had literature, Islamic literature, that  
24 was put in there.

25 Q. So you would help package things up?

1           A.       Right. Well, because it was too hard for  
2       one or two people to do. It was better if there was  
3       more.

4           Q.       Okay. Who was in charge of the house?

5           A.       Who was in charge of the house?

6           Q.       Yeah. And the organization?

7           A.       Pete.

8           Q.       What did he say or do that you saw that  
9       leads you to that conclusion?

10          A.       Well, it was just taken for granted that  
11       he was in charge.

12          Q.       Did you notice any changes in the services  
13       or the operation when al-Haramain became involved?

14          A.       Yes.

15          Q.       When approximately, if you recall, was  
16       that?

17          A.       I'm not real positive on that, when they  
18       actually took over, other than it was my  
19       understanding that they were the ones that bought  
20       the house.

21          Q.       So when you say there was a change, it was  
22       about the time the house was bought?

23          A.       Yes.

24          Q.       How did the change manifest itself besides  
25       a new house?



1           A.       Well, at first it was really -- it was  
2       good at first because everybody was glad to have a  
3       permanent place to go because we'd been -- peoples'  
4       houses and stuff like that, so it was just really  
5       nice to have this permanent location.

6           Q.       And did then did it change for the worse?

7           A.       Well, not really, not until after we went  
8       to hajj, when we came back from hajj.

9           Q.       Okay. Let's talk about that then. When  
10       you say you went to hajj, could you explain to the  
11       jury what the hajj is?

12          A.       That's like a pilgrimage that the Muslims  
13       do. You have -- you go to Saudi Arabia and you go  
14       to Mecca. We also -- and then you do the -- I can't  
15       think of the word, but anyway, you go around at  
16       the -- gosh, I can't think of the name of it -- at  
17       the -- the name of the mosque.

18                 Anyway, you do so many circles around and  
19       there's different things that you have to do. And  
20       we went to Madinah. And we also came back and it  
21       was -- there's just certain traditions that you have  
22       to do to finalize the -- this hajj.

23          Q.       When did you go on the hajj?

24          A.       It was 1999 and it was like March.

25          Q.       And how did it get organized, this trip?

1           A.       Well, all I know is my husband came home  
2 and he told me -- he says --

3                   MR. WAX:   Objection, Your Honor.

4                   THE WITNESS:   Whoop --

5                   MR. GORDER:   It's preliminary, Your  
6 Honor.

7                   THE WITNESS:   Okay.   Well, I had to  
8 pay the bill to go so, so I had to know what was  
9 going on.   Laleh called and confirmed that we were  
10 going to be -- have a chance to go with him on the  
11 hajj and that we'd be represented by the  
12 al-Haramain.   They were the ones that were going to  
13 sponsor us.

14 BY MR. GORDER:

15           Q.       And this was you and your husband?

16           A.       Yes.

17           Q.       And another group of people?

18           A.       And there was other people.

19           Q.       And you say you had -- can you just give  
20 the jury some understanding of what's involved in --  
21 putting together a trip for the hajj?

22           A.       Okay.   I had to have a passport done, and  
23 I had to wear an hijab which covers your hair  
24 because they just felt it would be better because  
25 they don't allow nonMuslims in the area, so my

1 passport had me with an hijab. I had to write a  
2 letter stating that I was a Muslim and that this was  
3 part of my religion so that they would okay me to be  
4 able to get a passport.

5 And then you had to apply for a Visa to be  
6 able to go there. We had to pay a certain amount of  
7 money for the Eid over there where they sacrifice  
8 lambs, so each person has to pay so much money for  
9 that. We also had to pay for government  
10 transportation because they try to keep this really  
11 as strict as possible so that not everybody can --  
12 you know, can do this. So that's basically what I  
13 had to go through.

14 Q. I take it you had to pay your airfare,  
15 too?

16 A. We did, but Laleh talked to a --

17 MR. WAX: Objection.

18 THE COURT: Well, I'm going to let her  
19 answer, but not for the truth of it.

20 Go ahead.

21 A. It's just that she set us up with a person  
22 to get us flight for a group so that we could fly  
23 over there. So she just arranged our flights.

24 BY MR. GORDER:

25 Q. And you paid for yours?

1 A. Oh, yeah.

2 Q. Now, when you got to Saudi Arabia, what  
3 happened?

4 A. Well, when we finally got to our first  
5 destination, we were all pretty washed out because  
6 we had been up for -- it felt like two days. We  
7 were taken into a flat. And if I'm not mistaken, I  
8 think it was in Mina because it would be close to  
9 where we had to do all the things that we had to do.  
10 And we were taken care of very well. The  
11 al-Haramain was the mother's and father's flat and  
12 so when the mother -- and I think it was an aunt  
13 that took care of us and they brought their  
14 housekeeper to pick up.

15 Q. And whose mother was this that took care  
16 of you?

17 A. It was Soliman, and I think his brother is  
18 -- I can't think of his name. There was like two  
19 brothers and their -- and his son -- there was  
20 somebody's son there. And that was the one that  
21 took care of my husband for me.

22 Q. If we could see DJR-3. When you say  
23 Soliman, is that the person?

24 A. I think it was his brother. I don't think  
25 it was him. I think he had an older brother.

1 Q. Okay. Was --

2 A. But he was there with them.

3 Q. Was it Soliman al-But'he?

4 A. Well, whoever this is. I'm sure that's  
5 who it was. I'm almost positive.

6 Q. You're certain about the name Soliman.

7 A. Yes.

8 Q. And you stayed with his parents?

9 A. Yes.

10 Q. Now, after the -- you were done doing the  
11 hajj, you're ready to go back to the United States,  
12 I guess. What kind of a process did you have to go  
13 through to leave Saudi Arabia?

14 A. Well, we had to go up to a room at the  
15 airport because we had to get our passports back  
16 because they take your passports. And we had to get  
17 our passports back. And the person that was in the  
18 room told my husband and I that since we didn't use  
19 the transportation there, that we were getting this  
20 -- I think it was like \$200 -- I don't know if it  
21 was in American money or riyal, but it was 200  
22 apiece, and so they gave us this money.

23 And when we came out, we were approached  
24 by Pete to give him the money because he said since  
25 they took care of us, and that it would also help

1 send blankets and food and help the mujahideen in  
2 Chechnya.

3 Well, my husband and I didn't think  
4 anything of it. We were so gracious that everybody  
5 had taken care of us so well that, you know, we gave  
6 them the money. I personally didn't want to give  
7 them the money, but we gave them the money.

8 Q. Now, after you returned from the hajj, you  
9 indicated that things changed at al-Haramain. How  
10 is that?

11 A. Well, it -- I felt it got more strict. I  
12 think they wanted things to be closer to the way  
13 they were in Saudi Arabia.

14 Q. Did you listen to someone name Hassan  
15 Zabady?

16 A. Yes.

17 Q. And what was he? Who was he?

18 A. He was -- we just called Sheikh Hassan.  
19 And he was very negative. He suggested that all of  
20 us -- because everybody could hear when we talked  
21 because we did have speakers, and he suggested that  
22 we should all move to an Islamic country, that we  
23 shouldn't live here. This was the devil's land  
24 basically, and that we shouldn't live here.

25 Q. And where did you hear this?

1 A. I heard that at the house.

2 Q. Was this during the Friday services?

3 A. Well, he would come and give like  
4 lectures, and it wasn't necessarily a Friday, you  
5 know, prayer time. It could have been at nighttime.  
6 We used to get together on Saturday nights, too. So  
7 it was not any real set -- it was just when he was  
8 in town.

9 Q. Okay. Did you ever hear any antisemitic  
10 things --

11 A. Yes.

12 Q. -- from Sheikh Hassan?

13 A. Yes. As a matter of fact, I have -- one  
14 of the ladies walked out of his lecture because he  
15 was so down on Jewish people so -- and she said, "I  
16 just can't listen to this anymore" because it was  
17 always the -- like it felt like it was the same  
18 thing all the time.

19 Q. And how did Mr. Seda treat Sheikh Hassan?

20 A. I'm assuming that he --

21 MR. WAX: Excuse me. Objection to  
22 assuming.

23 THE WITNESS: Oh, I can't assume.

24 Sorry.

25 I'm going to say he -- he thought

1 something of him or he would not have had him in the  
2 house giving us lectures. And that's --

3 BY MR. GORDER:

4 Q. Did he ever ask you to wait for him?

5 A. They asked us one time to wait --

6 MR. WAX: Objection to a "they," Your  
7 Honor.

8 THE COURT: Sustained. You need to  
9 say who.

10 A. We would told to wait for Sheikh Hassan to  
11 come to the house for prayer. And my husband is  
12 very adamant about prayer time. And he said, "No,  
13 we should not wait."

14 BY MR. GORDER:

15 Q. Okay. Was Sheikh Hassan married to  
16 anybody?

17 A. I know he was married to Raya.

18 Q. And that was one of the women who was  
19 occasionally there?

20 A. Uh-huh.

21 Q. Is that Raya Shokatfard?

22 A. Yes.

23 Q. Did Raya Shokatfard hold fund-raisers for  
24 the mujahideen at the al-Haramain?

25 MR. WAX: Objection to leading, Your



1 Honor.

2 THE COURT: Sustained.

3 BY MR. GORDER:

4 Q. Do you recall a jewelry sale?

5 A. Yes, we did have a sale.

6 Q. Can you tell us how the jewelry sale came  
7 about, how you learned about it?

8 A. Raya asked us ladies if we could bring our  
9 jewelry -- old jewelry that we didn't wear and we  
10 could have a -- like a -- I don't know. I thought  
11 she was going to have like an auction thing, but it  
12 was just like you bring the jewelry, and then if you  
13 see somebody's jewelry that you liked, you could buy  
14 it, and all the funds were to go for the mujahideen  
15 in Chechnya. And that's what I was told by her that  
16 the funds were going for.

17 Q. And did you give some money for that or  
18 buy some jewels?

19 A. Yes.

20 Q. And how much, if you recall?

21 A. I think I spent like five dollars.

22 Q. Where was the jewelry sale?

23 A. It was in the downstairs at the house.

24 Q. Okay. If we could have SW-64 again. Is  
25 this what you're referring to as the downstairs?

1 A. Yes. The downstairs living room.

2 Q. Okay. And who all was present, if you  
3 recall?

4 A. Let's see. There was Mary. There was a  
5 Mary Foster. There was Anita Seda. Let's see.  
6 Raya was there, of course. Laleh, Safiyah. There  
7 might have been a couple more people, but I'm not  
8 real sure what --

9 Q. Okay. Did you ever -- were you ever told  
10 that the money had successfully gotten there?

11 A. I had an email from Raya stating that --  
12 how much money that she had received and as far as  
13 what the email read, it was successfully sent.

14 Q. If we could have Exhibit BC-1. And is  
15 this -- if you look at the screen, is this the email  
16 that you were referring to?

17 A. Yes.

18 Q. (Reading): Subject: News about the  
19 sisters fund-raiser?

20 A. Yes.

21 Q. And this is dated October 24th, 2000?

22 A. Uh-huh.

23 Q. And it says it's from Raya Shokatfard.

24 And do you recognize the names of the various people  
25 on the "To" line?

1 A. Yes.

2 Q. Okay. Mary Foster?

3 A. Yeah. Mary Foster. Oh, Sharon, yes. I  
4 forgot about Sharon. She was somebody that was with  
5 us for a while. And then they had me listed as the  
6 Salmah.

7 Q. Okay. You're Salmah?

8 A. Yes. That's my -- that was my Arabic  
9 name.

10 Q. And Anita Seda?

11 A. Uh-huh.

12 Q. And Ms. Safi Yah, is that Safiyah?

13 A. Yes.

14 Q. And then who is the last person?

15 A. Sabah? I don't think she was with us for  
16 very long. I'm not -- I'm not picturing her.

17 Q. Okay. And the emails says (reading):  
18 Looking for the right door to open, and yesterday  
19 \$1,763 was sent.

20 A. Uh-huh.

21 Q. And this was collected for the brothers  
22 and sisters in Chechnya. Is that correct?

23 A. Right.

24 Q. And then down below, is there a prayer?

25 A. Yes, there is.

1 Q. Okay. And a little bit farther down,  
2 there is a prayer for the support of the mujahideen?

3 A. Uh-huh.

4 Q. Okay. And you received that after -- at  
5 some point after the fund-raiser?

6 A. Right.

7 Q. Do you recall about how long after the  
8 fund-raiser you got the email?

9 A. I don't think it was too, too long after.  
10 I think we had done it maybe in a summer, you know,  
11 like just a few months before.

12 Q. Okay. So maybe July/August?

13 A. Somewhere around in there.

14 MR. GORDER: One moment, Your Honor.

15 THE COURT: Members of the jury, I  
16 know I'm keeping you a few minutes extra, but I  
17 would like to finish the witness if we could.

18 BY MR. GORDER:

19 Q. Ms. Cabral, do you know, was Safiyah ever  
20 married to the defendant?

21 MR. WAX: Objection.

22 THE COURT: Overruled.

23 A. Yes.

24 BY MR. GORDER:

25 Q. And she's the one that spoke Russian?

1           A.       Yes.

2                       MR. GORDER:  No further questions,  
3   Your Honor.

4                       THE COURT:  Cross?

5                       MR. WAX:  Thank you, Your Honor.

6

7                               CROSS-EXAMINATION

8   BY MR. WAX:

9           Q.       Good evening, Ms. Cabral.  A few  
10   questions, please.

11          A.       Uh-huh.

12          Q.       In terms of the fund-raiser and the timing  
13   of it, you're not quite sure of the time?

14          A.       Not really.  I think it was like maybe a  
15   couple of months before I got that email.

16          Q.       Do you remember -- you have spoken with  
17   the government agents a number of times about this  
18   matter, have you not?

19          A.       Yes.

20          Q.       And do you recall them coming to you at  
21   one point and showing you an email to see if they  
22   could help you straighten out just when this thing  
23   supposedly occurred?

24          A.       No.

25          Q.       You don't remember them coming and showing

1     you anything?

2           A.     No. I gave them that email. That was an  
3     email that I had. That was sent to me.

4           Q.     Do you recall that the government agents  
5     in April discussed with you your recollection of the  
6     timing?

7           A.     Oh, yes.

8           Q.     Thank you. And do you recall in that  
9     conversation you shifted the timing back a few  
10    months from what you had originally told them?

11          A.     Yes.

12          Q.     Okay. Would it help refresh your  
13    recollection even more to know that there are emails  
14    which the government has apparently not shown you  
15    discussing the fund-raiser back in the winter and  
16    spring of 2000?

17          A.     That would help.

18          Q.     Okay. The bottom line is that today your  
19    recollection is vague on when precisely this  
20    occurred?

21          A.     Yes.

22          Q.     Now, in terms of what you recall the  
23    fund-raiser being for, if I heard you correctly on  
24    direct examination you said that Raya said this was  
25    for the mujahideen. Did I hear you correctly?

1 A. Yes, you did.

2 Q. Do you recall Raya saying that this was  
3 for the brothers and sisters in Chechnya?

4 A. She said that, too.

5 Q. Do you recall Raya saying that it was for  
6 blankets and food?

7 A. Yes. She mentioned that.

8 Q. Okay. Now, in terms of the Exhibit BC-1,  
9 if we could have that up again because there's a  
10 word I'd like to ask you about, please. If you  
11 could focus in, Ms. Cooke, on the last paragraph  
12 after the greeting after the word "Sisters" the word  
13 "ummah" that appears.

14 MR. WAX: May I step over there, Your  
15 Honor?

16 THE COURT: Yes.

17 A. Oh, okay.

18 BY MR. WAX:

19 Q. Okay. Could you please, Ms. Cabral, if  
20 you know, explain what the word "ummah" means?

21 A. That's like the whole Islamic people,  
22 everybody.

23 Q. Okay. So in this email there is reference  
24 to organizations having been shut down and having  
25 taken Ms. Shokatfard some time for her to find a way

1 to send the money. Do you recall that?

2 A. She mentioned it when she first had all  
3 the money collected. I remember she had mentioned  
4 it.

5 Q. Would you look, please, at the paragraph  
6 above the word "ummah." We'll get back to that in  
7 a moment. Second sentence (reading): Some  
8 organizations have shut down and some are still  
9 active.

10 Do you recall that?

11 A. Yes.

12 Q. Okay. And then going back to ummah, what  
13 she's saying there is she's thanking people for the  
14 efforts and those who purchased them with the  
15 intention of helping our ummah, and that, because  
16 you've just told us, is the general collective of  
17 Muslims.

18 A. Right.

19 Q. Thank you. All right. I'd like to ask  
20 you about this Sheikh Hassan. Do you recall that he  
21 would come, he'd give a talk, then he'd be gone for  
22 months and then maybe he'd appear again?

23 A. Yes.

24 Q. So he was not a, you know, weekly --

25 A. No.



1 Q. -- person there.

2 A. No.

3 Q. Periodic?

4 A. Right.

5 Q. And sporadic?

6 A. Yes.

7 Q. Now, you've told us that he was negative  
8 about Muslim involvement in American society. I  
9 heard that correctly?

10 A. Yes.

11 Q. Now, you heard that from him on one  
12 occasion or more than one occasion?

13 A. Every lecture he gave had the comment in  
14 it.

15 Q. Okay. Now, do you recall whether he  
16 started showing up periodically before al-Haramain  
17 even existed?

18 A. No.

19 Q. You don't recall that?

20 A. I don't recall.

21 Q. All right. Regardless, he came  
22 periodically over a several-year period?

23 A. Yes. Probably over a couple years.

24 Q. Okay. And in that period with him  
25 expressing his views, are you aware that Mr. Seda

1 continued his active involvement running his  
2 arborist business?

3 A. Yes.

4 Q. Are you aware that notwithstanding Sheikh  
5 Hassan's expression of his views, Mr. Seda continued  
6 involvement in the community in Ashland?

7 A. Yes.

8 Q. You're aware that he would give speeches?

9 A. Yes.

10 Q. 4th of July parade, he and the camel were  
11 fixtures in it in Ashland, weren't they?

12 A. Yes.

13 Q. He would give talks at colleges?

14 A. Yes.

15 Q. High schools?

16 A. Uh-huh, yes.

17 Q. You're aware that high school kids would  
18 often come and meet with Mr. Seda and some other  
19 people in the tent that was on the property?

20 A. Yes.

21 Q. So Hassan was saying one thing, and  
22 Mr. Seda was doing something different.

23 A. Yes.

24 Q. Now, you mentioned hearing some  
25 antisemitic comments, and those were from Sheikh

1 Hassan.

2 A. Yes.

3 Q. Are you aware that Mr. Seda was very much  
4 involved with two of the Rabbis in Ashland?

5 A. Yes, I was.

6 Q. Rabbi Sirinsky?

7 A. Yes.

8 Q. And Rabbi Zaslow?

9 A. Yes.

10 Q. Are you aware that he continued his work  
11 with them notwithstanding Sheikh Hassan's views of  
12 Jewish people?

13 A. Yes.

14 Q. Now, you were asked here about the hajj,  
15 and you described a conversation that you say took  
16 place at the end of the hajj with respect to the  
17 money that hadn't been spent.

18 A. Yes.

19 Q. You've already told us that you have  
20 spoken with the government agents on a number of  
21 occasions over the years.

22 A. Yes.

23 Q. Do you recall the first time speaking with  
24 them with an Agent Shawna Carroll back in September  
25 of 2004?

1 A. Yes.

2 Q. You made no reference to that at all in  
3 that conversation with Agent Shawna Carroll?

4 A. Probably because they were there to talk  
5 to my husband, not me.

6 Q. They spoke with you, did they not,  
7 Ms. Cabral?

8 A. They only spoke to me because I was in the  
9 room with my husband.

10 Q. Ms. Cabral, did you speak personally with  
11 Agent Shawna Carroll?

12 A. I probably spoke to her maybe once or  
13 twice.

14 Q. Okay. If I had a report that has been  
15 provided to me by the government that is not signed  
16 by, but has her name on it as the investigating  
17 agent describing a conversation that she had with  
18 you on September 28th, 2004, would you agree that  
19 Agent Carroll probably had a conversation with you  
20 on that day?

21 A. I would say yes.

22 Q. And if there's no reference to any such  
23 conversation in this report?

24 A. I have -- I haven't -- I don't remember  
25 the total conversation with her so --

1 MR. WAX: Thank you.

2 Just a moment, please, Your Honor.

3 Thank you very much. I have no further questions.

4 THE COURT: Redirect?

5 MR. GORDER: Just one, Your Honor.

6

7 REDIRECT EXAMINATION

8 BY MR. GORDER:

9 Q. To your knowledge, did Mr. Seda invite the  
10 rabbis to listen to Sheikh Hassan?

11 A. No.

12 Q. Were they ever there --

13 A. Not to my knowledge.

14 Q. Were they ever there when Sheikh Hassan  
15 was speaking?

16 A. Not to my knowledge. Because the women  
17 and the men were separate, so a lot of times we  
18 didn't -- you know, we weren't allowed to know -- we  
19 weren't allowed to see each other. We were kept  
20 separate.

21 MR. GORDER: Nothing further.

22 MR. WAX: Nothing further.

23 THE COURT: You may step down.

24 Thanks.

25 THE WITNESS: Thank you.

1 THE COURT: All right. Jurors, thank  
2 you for hanging in there with us today, and I'll see  
3 you in the morning at nine o'clock. All right.

4 MR. CARDANI: Excuse me, Judge, one  
5 more thing. Would you ask them not to look at any  
6 media accounts.

7 THE COURT: That's right. You  
8 remember I told you don't watch the media. If  
9 somebody tries to hold it up, why don't you just  
10 turn your head and say, "No, I don't look at that  
11 stuff." Okay. Good.

12 (Jury exits courtroom at 5:14 p.m.)

13 THE COURT: Counsel, I apparently  
14 didn't make myself clear yesterday. There will be  
15 no open computers in the back of the courtroom  
16 through the remainder of this trial. And I want to  
17 confirm that none of the computers that are at  
18 counsel table are hooked to any outside media  
19 source. All right? Thank you.

20 MR. CARDANI: Judge, I'd just like to  
21 give you an update, we're making good progress, in  
22 terms of our prediction.

23 THE COURT: I'm not shocked.

24 MR. CARDANI: So it looks like we're  
25 going to be done sometime early on Friday.

1 THE COURT: Yeah.

2 MR. WAX: Your Honor, we are still  
3 planning on flying some witnesses in to take off on  
4 Friday, if that is still what we should do.

5 THE COURT: Sure. You can bring them  
6 to my tailgate party on Saturday if they need  
7 something to do. I'll feed them. Everyone is  
8 invited.

9 THE CLERK: This court is in recess.  
10 (The proceedings were adjourned at  
11 5:15 p.m.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1     STATE OF OREGON             )  
  )     ss.  
2     County of Lane             )

3  
4             I, Deborah M. Bonds, CSR-RPR, a Certified  
5     Shorthand Reporter for the State of Oregon, do  
6     hereby certify that at the time and place set forth  
7     in the caption I reported all testimony and other  
8     oral proceedings in the foregoing matter; that the  
9     foregoing transcript consisting of 301 pages  
10    contains a full, true and correct transcript of the  
11    proceedings reported by me to the best of my ability  
12    on said date.

13            IN WITNESS WHEREOF, I have set my hand and CSR  
14    seal this 1st day of September 2010, in the City of  
15    Eugene, County of Lane, State of Oregon.

16  
17  
18  
19  
20  
21  
22  
23    /s/ Deborah M. Bonds  
24    Deborah M. Bonds, CSR-RPR  
25    CSR No. 01-0374